TECHE
UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. **P_MSS_1075**

Nel Fondo Principale sono confluiti la maggior parte dei lasciti manoscritti pervenuti alla Biblioteca Civica «Vincenzo Joppi» nel corso del tempo: si tratta perciò di un fondo composito nel quale è possibile trovare manoscritti di argomento liturgico, scientifico, giuridico, botanico e altro.

Collocazione:

Biblioteca Civica "Vincenzo Joppi", Udine
https://www.techeudine.it/fondo-principale
https://www.sbhu.it/

Jo. Bap. a Porta
J. C. Utin. 1602.
Notabilia
ex Juris Civilis
Fontibus

1075

Perfer. et obdura.

Ex libris Ioannis Baptistae a Porta
in quo notabilia plurima ab ipso
cum ex iuris civilis fontibus
tum e diversis praeclaris-
simis eiusdem
interpretibus:
decerpta,
atque
deprompta
continentur.
1602

mihi dono datus a Dno
Co: Ulderico a Porta die
4 Februarij 1610.
[illegible]
[illegible]

Libera me Deus ab omnibus peccatis et propitius esto mihi.

Hortulus irriguas sumpsit modo fertilis undas:
Insita sunt nostra, lectaque poma manu.

Dono Pagani 17/4 1882.

il campo fuori di porta di fra Polidetti
confina a sol levante con la via del Corvo
a mezzo di et a ponente con li SS.ri [illegible]
et alle montiscon la strada publ.ca

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[illegible]
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Valor — C [illegible]

[illegible]itas — C [illegible]

[illegible] in iniuria — C 232

[illegible] — C [illegible]

Venenu

Vagabun[illegible]

Virgo vide Puella

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] presentatione [illegible]

[illegible]

fui [illegible]
mitratu,
firmatu
sicut
electi

Definitio — Possessio secundum Fr[illegible]. [illegible] de acquirenda poss. [illegible]
[illegible] corporis et animi, et iuris adminicula con-
currente [illegible] quaedam quo aliquis rem corporalem
[illegible] potestate habet [illegible]

[illegible]

[illegible]

Deffinitio

Confirmatio est iuris prius habiti corroboratio ut ext. de fide instru
Cap. inter dilectos. Alio modo est sacramentorum administratio,
scilicet in fronte chrismatis assignatio et fit confirmatio
p.º modo dicta his verbis. Confirmamus te sicut
rite possides. vel sicut sine pravitate facta est electio
vel sicut provide facta est.

In Electione tria concurrere debent. Auctoritas. Zelus et numerus. Auctoritas, consideratur in dignitatibus, et meritis vite. Zelus consistit in animo, ut sine carnali amore fiat electio, et secundum meritum persone eligende. 8. q. i. et sic debet electio fieri secundum ista tria habito respectu meriti ad meritum, zeli ad zelum. numeri ad numerum. si tamen ex una parte sit dignitas et zelus melior, tam respectu eligentium quam electi. et ex alia parte numerus maior. certe prevalebit dignitas cum zelo: sic numerum ut notatur de elec. cap. ecclesia vestra.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ratione habilitatis etiam [illegible]
Appellatio ff. [illegible]

Fructus beneficij Ecclesiastici qualiter dividantur inter defuncti
Successores, qualiter etiam pensio Ecclesiastica, Et quando
fructuum in resignationibus fiat divisio vide Covarruviam
Variar: resolut: lib. 1. cap. xv. num. 12. et 13 [illegible] Tomo 2.
Fol. 75

omnis actus alius [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], induit [illegible] l. [illegible], [illegible] papinianus [illegible]
[illegible] acquirit [illegible] in [illegible] l. [illegible] [illegible] quamquam
[illegible] dicatur [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] modo [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] let libros [illegible]
[illegible] convenient, statim [illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

Testamentum. [illegible]

Pater non potest repudiare ius filij, in editio vel extra. [illegible] C. de rep. her. pos.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 337. [illegible] singul[illegible] [illegible]

[illegible] æquiparantur [illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]

In nova causa [illegible] contestati [illegible]

[illegible] auctoritatem [illegible]

[illegible]

[illegible]

[illegible]
[illegible] 1581 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

Filius ut filius non tenetur pro debito patris, nec pro offitio ab eo male gesto, et ideo agens contra filium ex persona patris debet facere mentionem quod sit haeres alias libellus est ineptus ut notatur in l. si cum dotem ff. transgrediamur ff. sol. mat: et habetur in l. ne contra Cod. ne fil. pro patre etc.

Pro debito mariti non potest fieri missio in bonis uxoris, tamen si maritus possidebat, habet uxor probare se dominam l. ob maritorum Cod. ne uxor pro marito etc.

[illegible] Diversum de Debitis, an vero praesuma[illegible]

[illegible]

Debitor novatur [illegible] loco [illegible] di bonis suis [illegible] in solutum creditori vide practicam [illegible]

[illegible]

Debitum unius fratris non onerat alios nisi pro valore et impotentia [illegible]

[illegible]

[illegible]

Vxor quae transit ad secunda vota, id petito
tutore, sed etiam reddita ratione administrationis
priuatur tutela, sive apud eam liberi primi
matrimonij educari debent, et ita succedunt quamuis
matrimonium sit nullum et putatiuum in terminis
hoc tenet Bernar. Choser. de public. concub. Rub.
de adulterio. num. 44. Fol. mihi 45

Legis fictio [illegible] non porrigit ad impossibilia l. [illegible] in [illegible] et l. si pater de adoptio. nec fingit [illegible]
[illegible] in l. [illegible] novati. et l. [illegible] [illegible] de [illegible] oblig. Bart.
in l. [illegible] n.° 20 ff. [illegible] contrah. etc.

[illegible]

Leges civiles sequuntur canonum dispositiones, et sic in effectu non potest dari contrarietas inter canones et leges, quod intellige in materia spectante ad Eccl.am ut usura, concubinatus, et omnia canon. ordinat. Cap. cum sit generale de foro comp. Abb.s in cap. Clerici de iudic. n.° 2 secus in materia differenti quia data contrarietate inter canones et legem. Canon servatur in foro suo et lex in suo ut notat Glos. in Regula possessor ff. de Reg. iur. Abb.s in dicto cap. dicto n.°

[illegible] cum lege ff. [illegible] l. Celsus de arbitr.

[illegible] aliquid specialiter [illegible] in [illegible]
legi. ab init.: in pri. in verbo nocentibus. [illegible]
etiam [illegible] in l. petitor liti [illegible] additione Cod. de [illegible]
[illegible] in generali derogatione non intelligitur
[illegible] in l. [illegible]
[illegible]

[illegible]

[illegible] [illegible] a [illegible] [illegible]
[illegible] a [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] accini [illegible]
[illegible] [illegible] et uigo [illegible]
[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible] habere [illegible]
[illegible]
[illegible] Romæ [illegible] CLXVII [illegible]
[illegible]

[illegible] N [illegible]

[illegible] qui ~~[illegible]~~ [illegible] 9.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] servis [illegible]

[illegible] data [illegible]

[illegible] appellatione [illegible] part [illegible]

[illegible]

[illegible]

[illegible]

Froxi minime aut receditur a regula iuris communis l. cum de in integrum rest. Baldus in l. j. x. io. Cod. de pactis.

Res perit domino nisi et non est in culpa qui facit quod ipsi est commissum, vel qui facit quod facit maior pars dominorum l. pignus Cod. de pignorat. actio.

Monitio Canonica.

De monitione canonica, quando fieri, et quomodo debeat vide [illegible] in [illegible] pract: Crim: cap: 43. [illegible] num. [illegible] 105.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Executor [illegible]

[illegible]

[illegible] est un [illegible] [illegible]

[illegible] executer un petit [illegible] [illegible] imperatif [illegible]

Absq[ue] dolo non committit[ur] falsu[m] l. nec exemplu[m] C. de fals.

Maliti[illegible] [illegible] non divulgari, sed potius [illegible] potest [illegible]
ex parte [illegible]

Funioti factum non attendi, nec [illegible]
ab Petro Roilio in dictione litteranica 4. num.
130. [illegible]

Preces

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Differentes utriusque approbati dant cognoscere [illegible]
idem ubi supra num. 8. Et videas [illegible]
summarijs nam sunt multa scita et notatu digna [illegible]
materia continens.

Patientia [illegible] inducit [illegible]
[illegible] naturam [illegible] veniens, et solemnitatis
l. si filium C. de patr. potest. ubi [illegible]

[illegible] allegationes meas pro [illegible]
ubi de hac materia [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Non intelligit culpa grandis contractu admittit l. q[illegible] sit [illegible] et apud [illegible] [illegible]

ff de[illegible] mancion.

[illegible]

[illegible] ... [illegible] [illegible]
... alibus [illegible] ... [illegible] ...
quia ... à [illegible] ...
... aequalis [illegible] ...
... [illegible]

[illegible] ... [illegible] ...
... [illegible] ... [illegible] ...
... [illegible] ...
... [illegible] ...
... Et [illegible] ... in quo [illegible]
... [illegible] ...
... [illegible]

[illegible] ... [illegible] ...
[illegible] ... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible]

[illegible] ... quia [illegible] à [illegible]
[illegible] 153 [illegible] num. [illegible]

Alium pro alio [illegible] creditor solu[illegible] [illegible] leg. C. de solut. ff. si certum pet. l. [illegible] C. de [illegible] sed si aurum. sed hoc fallit [illegible] dubium [illegible] multi alle. in Glos. dic. l. cum a quo. C. de [illegible] tionib.

Aliud pro alio solui[illegible] inuito creditore C. de [illegible] in princip. et ff. de leg. [illegible] l. si domus [illegible] l. miles de re iu.

Quotiescunque creditor succedit debitori [illegible] actio et passio [illegible] stare in eodem subiecto, unde [illegible] confunditur ex qua parte est [illegible] l. [illegible] C. de hon. auto [illegible] l. [illegible] Cod. ad l. [illegible] tur ubi [illegible] coniparty.

Qui alicuius est creditorem se facit, si [illegible] cadit a iure suo l. [illegible] ff. quod metus causa

Creditor

Si Creditor adijt haereditatem debitoris cum beneficio inventarij, potest citatis citandis implorare officium iudicis, ut sibi assignet [illegible] haereditatem pro suo credito, de qua possit libere disponere [illegible] in l. debitorum n. 3. [illegible]

Creditor [illegible] à debitori petendo debitum [illegible] dummodo petat in [illegible] Gl. [illegible] in l. ut debitum [illegible] not. [illegible] C. de [illegible] in l. debitori tuo n. [illegible] C. de pactis.

Si quis recipit litteras in quibus scriptum sit, ut alicui ut restituat centum mutuata, et ipse nil dicat, [illegible] [illegible] [illegible] discursum in suo tract. [illegible] fol. 85. num. 45

[illegible] fol. [illegible] vol. [illegible]

[illegible] fol. 149. vol. 6.

[illegible] vol. 6.

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

C.XC.I.I. [illegible]

[illegible]

[illegible]

Recipiens mutuum [illegible] non tenet [illegible] factus [illegible] [illegible] tamen [illegible] facere [illegible]

Mutuatum filio sui iuris, pater si non fidem suam obstrinxit reddere non tenetur; mutuatum vero filio in potestate, in eam permisso, non iussu patris, pater tenetur reddere de peculio. l. ne contra Cod. ne fil. pro patre etc

[illegible] per [illegible]

Vicinus

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ged [illegible]

[illegible]

Appellatione [illegible] mulierum. ff [illegible]

Fæmina nõ potest conficere rationes l. fæmina ff de edendo Bart. in l. i. C. de edendo nº 3.

Mulier facilius se obligat. q̃ donet. l. sed si ego in fine. ff ad sen. cons. velleianum

[illegible]

[illegible]

In iure quasi naturali conventi non [illegible] [illegible] in iure novando.

Ius vel fiduciam de futuro potest per pactum remitti [illegible] cod de pactis.

[illegible] ius commune [illegible] hoc tu intelligas quando [illegible] in generali vero [illegible] [illegible] potius ius commune quam singulare [illegible] in [illegible] in fine cod de pact

[illegible]

[illegible] falso [illegible]
[illegible] absentis [illegible] liberi [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad primum [illegible]
[illegible]
[illegible] licet [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] igitur [illegible]

[illegible] contracta [illegible]
[illegible]
[illegible] legitima [illegible]

[illegible]
[illegible]
[illegible]

[illegible]timonium quando dicatur sufficienter probatum [illegible] vide [illegible] in cons. 310. [illegible] ubi plurima ad materiam. et circa testes in tali causa [illegible]

Testes [illegible] in [illegible] ~~[illegible]~~ examinatis ad [illegible] [illegible] criminali [illegible] in [illegible] exiguntur testes omni exceptione maiores Menoch. de Arbitr. q. XXVII. num. 9. 10 [illegible] 10. [illegible]

Matrimonium [illegible] contrahi in [illegible] [illegible] Annorum [illegible] impubertate [illegible] ubi [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] quando separat, quoad torum, si ex delicto mulieris viri lucratur dotem, si ex delicto viri, uxor lucratur donationem propter nuptias, et isto casu [illegible] debet servari continentia. alias unus restitueretur alteri. [...] in cap. fin. n.° 2.° de Adult. et stu.

licet et [illegible] vim, [illegible] sed n. dicto. Gal. xi. l. in q[illegible] in 2
col. [illegible] [illegible] titt.

[illegible]

Verba quae possunt adici in contractibus [illegible] significationem adiciuntur secundum communem [illegible] Bart. in l. si [illegible] [illegible]

[illegible] in contractibus [illegible]
[illegible]
[illegible]
in prin. et [illegible] in [illegible]

In contractibus innominatis licita est penitentia [illegible] pecuniam in prin. ff de conditionibus ob causam

Quattuor sunt species contractus, obligatio contractus, actio et executio Bar. in l. cum lex [illegible] ff de [illegible]

[illegible] in [illegible] [illegible] [illegible] l. [illegible] Cod. an servus [illegible] [illegible]

Asserit Baldus in cap. i. in ult. col. de plus petitis quod de iure canonico omnes contractus ~~sunt~~ esse bonae fidei quantum ad effectum. unde [illegible] de iure can. [illegible] causa cuiuscumque contractus [illegible] [illegible]

CONTRACTUS

nullam. q nō inuenitur tex. de iure Can. faciens sub
stantialem differentiam, inter contractus, stricti iuris
et bone fidei: et sic secundum Bal. ss actionum de iure
nō habent effectum de iure can. Iason hic dubitat
dicens se existimare q quando nō tractatur de
materia peccati aut de materia spirituali ius civ.
q nō reperitur immutatum p ius Can. procedat etiam in
iure can. ita dicunt notabiliter doc. in cap. fin.
de solu.

Quod in contractu nō dicitur pro nō intelligitur habetur
l. nō ~~hic~~ dicit c. de naut. fenore

Contractus [illegible] nō valet [illegible] contrahi [illegible] in [illegible] hanc [illegible] Guido[illegible] Maran. [illegible]
nu. 576.

Ius [illegible] quando [illegible] Principibus cap ii §
[illegible] n 6. [illegible] cap. part. B Lxiii [illegible]

[illegible] et princeps sit solutus [illegible] in
[illegible]dum legi[illegible] [illegible] in l. [illegible] imperfectum [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Vt uel fideium. de futuro potest per pactum remitti l. conditionis Cod. de pactis.

Pactum de hereditate uiuenti certo modo disponendo post mortem eius censetur esse contra bonos mores, et ideo non ualet nisi consentiente eo, de quo, qui consensus necesse est ut ad finem usque perdurat. l. fin. Cod. de pactis.

Id pactum contra legem est quod lex prohibet l. i. de pactis ubi Glos. in 2.a oppo.

Pactum contemplatione deficientium liberorum initum, nascentibus liberis non reuocatur l. conditionis ubi iason n.o vi. Cod. de pactis:

Pactum uerum, et expressum: requirit consensum, et sic consentiam utriusque partis. aut per se, aut saltem per nuntium, uel epistolam l. i. et l. labeo ff. eodem de pactis Glos. et doct. in l. p.a Cod. eodem. secus tamen in tacito pacto inducto a lege. Iason ibi [illegible] in l. i. cod de pactis n.o 4.o [illegible]

Pactum differt a pollicitatione, eo quod pactum requirit consensum duorum [illegible] pollicitatio unius tantum [illegible] l. [illegible] 4 l. [illegible]

[illegible]

Pactum per quod [illegible] fideicommiss. remittit [illegible] ratione [illegible] tacite [illegible] non remouet uotum captandae mortis. l. conditionis Cod. de pact.

[illegible]

[illegible]

[illegible] ita ut
[illegible] in [illegible] notabili Cod. de pactis
[illegible] non [illegible] pactum nudum nisi interueniente
stipulatione uel acceptilatione [illegible] cum
[illegible] tamen [illegible] scilicet [illegible]
[illegible]

Pacta pariunt, premunt, informant, et elidunt Glosa in l. pacta in [illegible] Cod. de pactis

Promittens non mouere controuersiam, quando iudicium interuenit, intelligitur facere pactum de non petendo imo [illegible] haec uerba intelliguntur, siue in iudicio siue extra, et sic etiam ante litem contestatam [illegible] de iure [illegible] l. cum postea ubi Ias. [illegible] Cod. de pactis.

Pactum appositum [illegible] una re non extenditur ad aliam [illegible] l. si unus [illegible] ante omnia [illegible] pactis ad hanc regulam respondet Ias. in l. [illegible] n. 3. ff si certum petatur [illegible] dicunt [illegible] principalis sed bene ad accessoriam [illegible] intelligenda haec regula

Pactum nudum [illegible] potest tollere stipulationem respondet [illegible] ualidum est [illegible] ad [illegible] actionem [illegible] contractum [illegible] contractum factum fuerit.

Cav. 131.

[illegible] sed si quid [illegible] [illegible] [illegible]
et [illegible]. li

Voluntas testatoris est lex. aut de nuptiis [illegible].

Voluntas testatoris regulatur secundum vel [illegible] cuius favorem facta fuit dispositio l. [illegible] contra in prin. de edditi et demons. Socinus l. [illegible] n. 7. cod. de pactis.

Valet testamentum [illegible] [illegible] omni [illegible] [illegible] reputatus fuit [illegible] [illegible] testamentis [illegible] in cap. [illegible] extra de [illegible] cogit.

Scriptura testamenti publicata fidem facit [illegible] originalis scriptura sit deperdita [illegible] quod probari debet, [illegible] dicit [illegible] probat [illegible] publicati [illegible] ibi Gl. in [illegible] qui probatur C. de [illegible].

Si nomine vel pronomine, seu cognomine, seu agnomine testator erraverit [illegible] tamen de quo [illegible] [illegible] sit error huiusmodi nihil officit veritati. et quod hic dicitur [illegible] nominis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de errore nominis [illegible] [illegible] [illegible] leg. [illegible] si quis in nomine [illegible] [illegible] ut ibi idem in errore [illegible] [illegible] [illegible] diamo vel promisse. ut [illegible] [illegible] nomine, vel [illegible] [illegible] [illegible] l. si in nomine [illegible] testamenti.

[illegible] TESTAMENTUM PRETERITIO

Fideicommissarius generalis non est idoneus testis in test. [illegible] quia est loco heredis secus autem particularis Gl. in verbo legatariis. Instit. tit. de test. ord. § legatarii

Testamentum illius qui post illud conditum [illegible] infirmatur quando valeat et quomodo sane mentis fuisse, cum illud fuerit probatum aliquis tali in [illegible] vid. in l. [illegible] Simul Gl. d. in verbo [illegible] C. qui test. fa. poss.

[illegible] [illegible] testamentum [illegible] qui test. fac. [illegible] contractus secus autem si [illegible] [illegible] [illegible] Angel. Arét. in § [illegible] autem Instit. tit. [illegible] [illegible] [illegible] [illegible] [illegible] contrahendo.

Tempore [illegible] — Quidam in testamento tempore pestis [illegible] facto aiunt non debere sufficere et an [illegible] [illegible] [illegible] [illegible] [illegible] l. casus maioris sup. codice Fol. 164

Conditio — De conditionibus quae in testamento [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] practica [illegible] sub Rub. [illegible] [illegible] [illegible] testi. [illegible] [illegible] [illegible] num. 5. 6. et 6.° Fol. 115 [illegible] [illegible] [illegible] [illegible] [illegible] sequenti [illegible] glosa.

Preteritio — Quando testamento [illegible] [illegible] nulli ratione matrimonii [illegible]

[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

Meretrix quae licatur et materiam hanc plenissime tractatum vide per dnum Royzium decisione Lituanica iiii. nº iii usque ad num ii[illegible]

[illegible] Simulatus & iniuria dummodo non sit leuis est infamis. Ang. in verbo. verba iniuriosa. num. 17. [illegible]
[illegible] est contra [illegible] [illegible]

Ad hanc materiam vide que habentur iii q. 4. § [illegible]. et an infames accusare possint.

Infames in criminalibus nõ admittentur. vide Lancel. de Arbitr. quest. xxvii. num. 6. nec in matrimonialibus [illegible] [illegible]

[illegible] infamiam irrogat quando quis patitur penam corporalem pro aliquo crimine Arch. in c. siquis 3 q. 7. num. 3.

[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

Tertio iniuriam [illegible] capitis [illegible]

[illegible]

[illegible]

[illegible]

Sexto ex stipulatione competit ad incertum non ad certum [illegible] quis certum [illegible] petet [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Proclamma [illegible] Citatio ad informand.

[illegible] potest praecipere reo ex causa iusta, ut compareat personaliter, puta ex causa homicidij. ita Brossius in tract. suo Crim. titulo secundo notae [illegible] praecep. num. 4. Fol. [illegible]. et [illegible] in titu. [illegible] in [illegible]

In hac materia, et an iudex nulla formata inquisitione intelligi possit [illegible] [illegible] [illegible] an citari possit ad informandum [illegible] ample [illegible] [illegible] titulo praecato maxime num. 12.

Nota quod in citationibus ad informandum simpliciter sub certa poena, uel est comparendum [illegible] [illegible] uel appellandum ubi supra num. 12

Bannitus, proclammatus in eo loco a quo bannitus est [illegible], de quibus cautelis praeuenientis comparere debeat, uide singulariter Brosh. [illegible] de Citationibus num. 35. usque ad num. [illegible] Fol. 76. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] i. sacti [illegible]

Cui [illegible] erga [illegible] mandati tenetur [illegible]
[illegible] rogauit [illegible]

Maior [illegible] debet [illegible] tribuum l. i. ff mandati

Si mandatum, siue citatio continet, ut aliquid detur uel fiat, sine noua citatione quis [illegible] potest [illegible] [illegible] si dicatur in ea, ut detur uel fiat [illegible] etiam si contineat ut ne fiat quid sine mora. Dost. tit. de Mutetis num. 8

Quando creditur de necessitate pecunia, ut hic sponte quis alienā fidem nō sequitur. nō dicitur proprie credita pecunia sed̄ cōmun̄ Bart: in l si tibi n.° 4° de rebus cred. etc. et videt ipsū.

Pecunia ob libertatem pmissa petitꝰ p actionem in factum l. pmissē Cod. an servus ex suo facto post manumis. teneat

Pecuniā mutuatā, si creditor habet ex parte princi pali utilitatem, ad eū spectat, periculū illius pecuniā, ante q. dominium sit translatū in ipsū debitorem, item et fortius, dato qd sit debitor quantitatis, qz perire nō potest tibi. est clariss. in l. titius versicul sed nec ipsius ff de prae. ver. hic scri. in l. si pascenda n. 3 Cod. de partis

[illegible]

[illegible]

[illegible]

[illegible] alterius [illegible]

[illegible]

Cum [illegible] defendantur a dominis non usq. statim ducuntur ad supplitium, sed procedit [illegible] quo cognoscit debet de inocentia eorum querere [illegible] deffenduntur [illegible]

[illegible] servus [illegible]

[illegible] non tamen potest [illegible] facere [illegible]

imo nec potest [illegible]

[illegible]

[illegible]

[illegible] partem

[illegible]

[illegible] pact.

Servus

Servus ex delicto commisso in servitutem non tenetur liber factus. Servus si liber factus deliquerit ... commisisse. Cod. ad Servus ex suo facto post manumissionem

Servi capacitas ... capacitati ...
ff. regula ff. de leg. 1°

... et aliano ...
... intra annum ...

[illegible]

Servus potest ... prodere, ... in sua questione, et sic
potest in ...
... in l. Servum ...

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Qui aliquem in Ecc.a seu cimiterio [illegible], uel aliquem de ea. aut [illegible], uel in eo damnum infert. excommunicatur. [illegible] difiniuit XVII. q. iiii. ubi Arch. num. 2. et 3. dicit quod talis ab utroque iudice puniatur [illegible]

Testes – Probati

… l. idonei de testib.

#
in § sed et si fil. fam. inst. tit. de test. ord.

… et quando sit idoneus pater pro filio et e contra vide Angelum … #
Nemo idoneus testis in re sua. l. Nullus de testib.

Documenta apertissima dicuntur scriptura vel testes Glos. in cap. pie de exceptionib. in .vi. in textu notabili.

Ad hoc ut testes qui deponunt se vidisse instrumentum probent requiritur amissio originalis instrumenti, et quod illi testes sint valde periti, ut notarij vel aduocati, vel alij qui instrumentorum cognoscant litteras illius notarij ita colligitur in cap. cum olim extra de privileg. alias si testes non sunt ita periti, eorum dicta non faciunt fidem, nisi probent de eo quod continetur in instrumento. ut l. testium de test. vel nisi probarint antea fidem illius instrumenti, vel presumptio Bart. in l. si quis nu. 6.° Cod. de Edendo

Testes …

Sin tenemur testificari in iudicium … de testib.

Quando delictum commissum sub … in criminali …

Tidiciumm … generalis non est idoneus testis in test. … particularis … tit. de test. ord.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

4

~~[illegible]~~ Compromissum.

~~[illegible]~~

A pena in qua est compromissum, ad est recedimento … … de verb. sig. in fine. C. de contrahenda … l. finali. Contra. de l. si societatem. ff. pro socio l. iii de dotis … .

Quando fit compromissum de iure, et de facto, … verba important, quod arbiter potest omittere rigorem iuris positivi et sequi equitatem iuris gentium, et iuris naturalis. Barbat. in cons. 67. num. 3. vol. 3.

Compromissum cum plenissima auctoritate et potestate cognoscendi et laudandi de iure, et de facto, secundum ius commune explicandum est idem ibidem num. 1. in fine.

De feudo an possit compromitti … … …
…

Artifex

Artifex commendat opus suum — [illegible] in [illegible]
[illegible]
[illegible]

[illegible] 14 [illegible]

[illegible]
[illegible] xiii [illegible]

[illegible]

4

[illegible]

[illegible]

IUS IURANDI.

[illegible] contra [illegible] in [illegible] calumniae [illegible] dicatur.

Iuramento cum defertur, inest conditio, ut in contingenti iurisdictione Bart. in l. iusiurandum nº 6. de iure iurando.

Quando iuramentum remittitur habetur pro ac si iuratum esset l. non erit §. si neque ff. de iure iurando Bart. eod. l. iusiurandum

Periurium repellit ab obtento beneficio cap. 2. de rescriptis.

Quanta praestitur fides litteris sine iuramento [illegible] et quod iuramentum [illegible] [illegible] Pontificem [illegible] [illegible] credatur vide Alexand. de Arbitr. [illegible] 4. Fol. [illegible]

Iuramentum super pacto [illegible] [illegible] de consil. et c. [illegible] de [illegible]

Sit absolutio a iuramento ad [illegible] [illegible] litatione valeat, et fieri possit, [illegible] Neapol. 220. num. 8 [illegible]
an concedi possit etiam invito [illegible]

Iuramentum [illegible] [illegible], qui iurat [illegible] et quando [illegible]

[illegible]

Absens [illegible] procuratorem [illegible] [illegible] [illegible]
[illegible] absens [illegible] procur.

[illegible] [illegible] [illegible] [illegible] [illegible] intervenit procuratori [illegible] [illegible] [illegible] [illegible] sub [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] procur.

Procuratorem necessitas [illegible] [illegible] et [illegible] contrahitur secundum actionem [illegible] [illegible] [illegible] [illegible].

Nemo ad dandum procuratorem est compellendus cap. [illegible] [illegible] de procuratoribus.

[illegible]

Appellatione [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

Ex [illegible] [illegible] [illegible] [illegible]
animi [illegible] in suo Tract [illegible] [illegible]
[illegible] [illegible] 35 [illegible]

[illegible]

[illegible] approbandi [illegible]
[illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Acceptatio seu [illegible] per [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] acceptatio. [illegible] [illegible] acceptatio

Acceptatio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Acceptatio sub conditione [illegible] [illegible] [illegible] acceptato sub conditione [illegible]

Acceptationis [illegible] [illegible] [illegible] conditionis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Si Episcopus vendat fundum Titio, et ille in eo melioramenta fecerit, quaeritur an Ecclesia possit restitui contra illum, illumque remouere cum Episcopus habeat omnia patrimonialia. Archid. in c. Alienationis num. 5 dicit quod non nisi Ecclesia velit emptori omnes refici[?] [illegible] habet [?] auxilium contra Episcopum, quia [illegible] ut [illegible] iura [illegible] allegata. Vide Scott. in c. [illegible] [illegible] [illegible] Clem. [illegible]

[illegible] uxori vendita [illegible] hoc intelligatur. Dial. Cons. [illegible] num. 3 [illegible]

[illegible]

[illegible]

[illegible]

Delictū [illegible]

Quod delicta debeant puniri [illegible] in omnibus [illegible] et in medio [illegible] quod maleficia non debent manere impunita [illegible] et [illegible] turbant [illegible] et [illegible] sanctissimum [illegible] de criminibus [illegible] victimae [illegible] nemo [illegible]
Et quod debeat [illegible]
rationem [illegible]
[illegible] innocentum [illegible]

Quod [illegible] maleficia et non [illegible]
et [illegible]
[illegible]
[illegible]
[illegible] dissimulationem non [illegible] maleficia qui debet puniri [illegible]
[illegible]

[illegible] ... et [illegible] ... qui [illegible] ... ac populi [illegible]

[illegible] 36 [illegible]

[illegible]TOR. Probatio

Actor [illegible] pun [illegible]
ut l. [illegible] C. de [illegible]

Actor [illegible] C. de [illegible]
[illegible] cap. [illegible]
[illegible] de foro [illegible]

[illegible]

[illegible]

Actor edit pro codicem rationum ad suis defensionem fundanda, etiam si sit fiscus notab. tex est in l. in casu Cod. [illegible]

Actor, pro tenetur edere instrumenta ad exceptionem fundandam rei [illegible] contra nō tenetur edere actor ad [illegible] petitionis fundanda [illegible] Cod. de [illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

Qui non prosequitur appellationem in causa succumbit et in expensis punitur cap. cum olim [illegible]

Regulam quã ponit Bart: in l. i. ¶ item quæritur ff de aqua quotid. et æsti: q̃ nempe si aliquis adstrinxit se ad aliquid probandum si nõ probat perdit causam, procedit solũ in actore nõ autem in reo et hoc in specie vult Bart. in l. diuus in ultima col. ff de re iud. Jason in l. qui accusare n.º 5. Cod. de edendo

Fract

[illegible] pupilli [illegible]
[illegible] curatori [illegible]
[illegible]
[illegible]

[illegible] litem [illegible] habet cum
pupillo [illegible] omnibus bonis [illegible]
[illegible] Instit. tit. de [illegible] tutor.

Fructus

[illegible] potuerunt [illegible] fructus [illegible]
sine [illegible] proprietate [illegible] in [illegible] in quo
[illegible] fructus [illegible]
[illegible]
[illegible] Debet tamen tutor [illegible]
[illegible] aliis in [illegible]
[illegible] tempus, quo [illegible]
[illegible] anno valuit. [illegible] C. de
periculo tut: et curat: [illegible]

Qualiter tutores [illegible] casu fortuito [illegible] Rom:
Cons. CCCCXXV. ubi etiam an [illegible] dicatur
casus fortuit.

Tutor qui [illegible]
[illegible] tutor.

CORRECTVRA.

[illegible]

[illegible]

[illegible]

[illegible]

Amen.

[illegible]

[illegible] [illegible] compensantur operi. [illegible] [illegible] possent ~~[illegible]~~ in re commod. [illegible] [illegible] [illegible] n.° 3.° qui tamen lex loquitur [illegible] [illegible] [illegible] [illegible] [illegible] magnis. et ita intelligit [illegible] [illegible] [illegible] [illegible] Et impen. in [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] in re dotali facta [illegible] [illegible] [illegible] capra. [illegible] et. con. 35 num. 10. Fol. 137.

[illegible] quaslibet impensas, restituere debeat venditor redimens, vide Tiraq. de retract. [illegible] [illegible] §s. vii. Fol. 962.

[illegible] quae sunt [illegible], qui [illegible] [illegible] vide Vide [illegible] Roy [illegible] [illegible] [illegible] [illegible] usque ad num. 593. Fol. 611.

[illegible] Expensae factae [illegible] [illegible] [illegible] possint computari [illegible] [illegible] [illegible] cons. 353. [illegible] [illegible] vol. 3.

[illegible] [illegible] bona fide [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Maritus [illegible] [illegible], an possint [illegible] [illegible] expensas factas et meliorament[a] in [illegible] [illegible] cons. 342. vol. num. 1.

[illegible] in [illegible] criminalibus. [illegible]
[illegible] consequentiam in [illegible] [illegible]
[illegible]
[illegible]
[illegible] in [illegible] [illegible] cap. [illegible]

[illegible] excusatur ab [illegible] [illegible] [illegible]
cognitio [illegible] [illegible] [illegible] & [illegible] post
[illegible] in num. [illegible]

DONATIO.

[illegible] donatio [illegible] donatio.

Filiis [illegible] renunciatione [illegible] Contra l. si uero se [illegible] papinianus ff mandati.
Quando in donatione apponitur pactum seu modus non est proprie donatio Bart. in l. si tibi ff xº 2º. si [illegible] etc.

[illegible] absque nuntio aut epistola l. absenti ff [illegible] notat [illegible]

[illegible] et taciturnitas [illegible]

Qui nihil habet nihil donare potest xv iii. q. i.

Donatio quando dicatur donatio causa mortis [illegible] in contractu donationis [illegible] reuocari [illegible] donationem inter uiuos [illegible]

Donatio [illegible]

Augmentum dotis promissum [illegible]

[illegible] minus soluens [illegible] pro quantitate rate soluta dotis [illegible] rationem [illegible]

[illegible] donationem propter [illegible]

Dos quando non fuit data, nec promissa: mulier lucratur hi[illegible] nominis donationem propter nuptias: etiamsi nullam numeraverit dotem. ratio est, quia quando fit [illegible] nulla dote promissa [illegible] mulierem [illegible] [illegible] [illegible] [illegible] ad tale promissio [illegible] non [illegible] dote [illegible] nulla sit promissa. [illegible] ibidem [illegible]

[illegible] omnium bonorum praesentium et futurorum non valet etiam firmata iuramento. bonorum autem praesentium [illegible] AbB. [illegible] nulla Ecclesiastica de concess: praeb: num. ii.

+

FACTUM.

Faciens actū videtur se astringere lege [illegible] vel te [illegible]
[illegible] acquir [illegible]
[illegible] facto [illegible]
[illegible]
[illegible]

FAMILIARIS

Familiaris inimici sunt pestiferi. [illegible] C. [illegible] c. i. xciii [illegible] Boetius. nulla pestis efficatior est ad nocendum quam familiaris inimicus.

Familiaritas [illegible] invicem sicut et [illegible] in [illegible] familiaritatis affectio, veritatem [illegible] in [illegible] imo [illegible] tota familia [illegible] [illegible] tamen modicam familiaritatem hoc [illegible] efficere. [illegible] amicos [illegible] et [illegible] nunquam cap [illegible] aut [illegible] [illegible] [illegible]

ADVERSARIUS.

Qui mihi adversatur in lite meum convenientibus, [illegible] potest dici adversarius. Abb. [illegible]. cap. i.

Adversarium meum in una [illegible] causa [illegible] contra me [illegible] in alia causa, [illegible] litigium [illegible] proprium, [illegible] [illegible] hoc nota [illegible] [illegible], [illegible] Prelatus [illegible] in [illegible] potest [illegible]. cap. cum [illegible] alios [illegible] [illegible] et Cap. [illegible] [illegible] cap. [illegible]

Qui non acceptat verba adversarii non [illegible] Bal. in l. 4. cod. de [illegible].

[illegible]

[illegible]

Occultans instrumenta aliena tenetur poena falsi … pariens si … iason in l. qui accusare. Cod. de edendo. n°. 7°.

Nottarius celans protocollum suum et negans se de instrumento rogatum, tenetur pena falsi … ead. l. et eodem numero.

Instrumentum … sine aliqua natura suspecta cap. cum olim de privileg.

Qui renuntiat instrumentis liti renuntiare intelligitur cap. cum pridem de pac.

[illegible]

[illegible] … 553. 2.

[illegible]

[illegible] … C. 555. 3.

[illegible]

[illegible] instrumentum [illegible] [illegible] in Speculo falso fol. 331. [illegible]

Instrumentum alium rogatum ~~quem~~ [illegible] communis opinio in Speculo falso [illegible] tenet

[illegible] quod inter duos qui faciat singularem probationem pro tertio [illegible]

Sententia

[illegible]

Citatio est fundamentum [illegible] in [illegible]
Cod. de in ius vocando

[illegible]

[illegible]

[illegible] quando [illegible]
[illegible]
[illegible]

[illegible] citatione [illegible] in [illegible]
[illegible] praecipue vero quando citatio p[er]
sonalis fieri debeat, et si fit ad domum quando [illegible]
nec [illegible] ubi citari possit vagabundus [illegible]
[illegible], carceratus, [illegible] de citatione [illegible] edicta[li]
[illegible] verbo Citatio.

Si citatio continet ut aliquid detur, vel fiat, sine nova
citatione [illegible] non potest multari [illegible] si [illegible]
[illegible] ut detur, vel fiat, hoc procedit, sed etiam
quando continet, ut veniat, et hoc [illegible]
[illegible] in [illegible] tract: Crim. tit. de Mulctis num. 8

Et de materia quando una citatio sufficiat, et quando
plures requirantur vide ibidem [illegible] n. 25

Citationum criminalium [illegible] tractatur [illegible]
[illegible] citationum [illegible] etiam in [illegible] quibus
in locis, et a quibus hac materia discutietur sub [illegible]
[illegible] 44

[illegible]m. [illegible] Ecclesia [illegible]

Una eccl.[a] [illegible] [illegible] cap. iii. [illegible] de iurispatr.

[illegible]

[illegible]

Principalis [illegible]

xxx [illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible] matrix seu parrochialis [illegible] [illegible]

[illegible] [illegible] parti nam nisi [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible], et dotem assignaverit tempore constructionis, et

non quod sint oblationes pro dote, et istam opinionem

[illegible] in [illegible] [illegible] Lambertinus in

suo tract. iurispatr. lib. i. in octava quaest. prin-

cipali partis [illegible] num. 12. 4. 5. et [illegible]

Ecclesia

Ecclesia matrix, et parochialis dicitur ei patronatus diocesis eius, non ex eo quod fundata sit intra eius limites, sed ex privilegio, seu praescriptione, quia praescripsit in eis ius patronatus, erit patrona illarum eodem loci num. 7. vol. 0 7.

Institutio. IVS PATRONATVS
monachus.

Iuspatronatus perit et successionem [illegible] [illegible] [illegible]
[illegible] [illegible] emptionem [illegible] [illegible]
[illegible] [illegible] [illegible] magis dignum [illegible] [illegible]
[illegible]

Ius accrescendi recipit [illegible] et [illegible] [illegible] [illegible] [illegible]
aeq. hand.
ius accrescendi [illegible] habet in [illegible] [illegible]
[illegible] [illegible] [illegible]

Patronus unde dicatur [illegible] [illegible]
[illegible] [illegible]
[illegible]

Ius patronatus est [illegible] [illegible] [illegible]
[illegible], vide autem quis dicatur [illegible]
et quis ecclesiasticus. in Rochum [illegible]
[illegible] [illegible] patronus

[illegible] modo procedendi in causa [illegible] [illegible]
in [illegible] [illegible] [illegible] [illegible]
[illegible] obiit iuspatronatus vendi [illegible] [illegible]
Alex: cons. LXXI. num. [illegible] [illegible] 6. [illegible]
Rochum de curte in tract. iurispat. [illegible]
[illegible]

[illegible]

[illegible] ab eo qui bona fide, et in quali [illegible]

[illegible]

[illegible]

[illegible] cui est mota lis [illegible] an [illegible] pendente [illegible] supra n. 5 [illegible]

[illegible] iuris patronatus [illegible]

[illegible], sed etiam ex unico actu acquiritur [illegible] in cons. suo 47. num. 4. [illegible]

[illegible]

[illegible] patronatus [illegible] etiam [illegible]

Non potest legari alicui ius patronatus absque consensu Episcopi Alex: de Neuo cons. 6. num: 2

Quando plures succedunt in iure patronatus, non iure hereditario, sed alio ut puta equali et simili, tunc succedunt ~~in eat~~ per capita, non in stirpes Alex: de Neuo cons. supra citato num 3 [illegible] succedunt iure hereditario, uel alio iure [illegible] ibidem

An ius patronatus praescribatur, uide [illegible] Rota: decisione [illegible] et [illegible] num. 82. et 83 et [illegible], ubi [illegible]. Fol. 35. [illegible] et Albertus in suo tract: iur: patr: quaest. xi. princ. ii. par [illegible]

(in 2° Fol [illegible]

Dubitandum est, an oritur ius funerandi notte laicum nomine concedere solum in loco, facto religioso, ex ipsa illatione corporis humani, ut olim fiebat de iure civili. ita [illegible] [illegible] [illegible] mort. infer. Quod autem [illegible] in sepulchro in [illegible] in cimiterio sacrato seu in Eccl.a quia cum ipsum cimiterium vel eccl.a sit sacrata, et res mere spiritualis non potest laicus mere possidere: [illegible] [illegible] [illegible] [illegible] [illegible] cap. causam de [illegible]. [illegible] [illegible] de [illegible] [illegible] [illegible] [illegible] ~~[illegible]~~. tolleratur enim ex quadam humanitate arg. xiii q. ii cap. quaesita est: et facit quod notat: in cap. dolendum de sepult. Abb. in cap. quanto n.o 10. de [illegible] et ita intellige [illegible]

PRAESCRIPTIO

[illegible]

[illegible]

[illegible]

De [illegible] vel alio [illegible] an praescriptionem [illegible] Tiraquellum fol. 812 A et B

Praescriptio nunquam [illegible] praescriptionem [illegible] fol. [illegible] num. 2.

[illegible] fol. 813 num. [illegible]

Praescriptio

Contra impeditum impedimento facti currit praescriptio tamen si iustum sit impedimentum datur restitutio Rebuff. in sua praxi Benef: titulo de devolutionibus num. 14 Fol. 184.

[illegible]

[illegible]

[illegible]

[illegible] in manibus [illegible] in successione [illegible]

[illegible] appellatione [illegible] feudalia [illegible] Andr: [illegible] di Capua [illegible] ad [illegible]

[illegible]

REUS [illegible]

Reus non tenetur ede[re] actori ad intentionem fundandam l. ipse dispice ubi de Bart. n.° i. Codice de edendo. poterit tamen cogi ex causa officio iudicis, ut edat. [illegible]

Fauorabiliores sunt rei actoribus, in dilationibus, inquantu[m] autem ad aliqua paries. Bart. n.° i. l. ultimo cod. de edendo.

[illegible] fiat [illegible] n.° [illegible]

[illegible]

[illegible]

[illegible] potest [illegible]

Sententia [illegible]

[illegible]

Si in una parte fit mentio de sententia [illegible] sententiae simpliciter, intelligitur etiam de interlocutoria [illegible] Soci. iuni. in cons. 100. num. 21. [illegible]

Sententia lata super eo quod petitum non fuit est nulla [illegible] Soci. iuni. in cons. 54 num. p.° in terminis. vol. 4.

Sententia ex eo nulla dicitur quando pars non fuit citata ubi supra num. 4. quod habet locum in [illegible] quantumcunque summarii

[illegible]

[illegible]

[illegible] contraria [illegible]

Sententia

ipso iure nō tenet l. post sententiam C. de sent. et interl. omn. iud., qui textus intelligitur de diffinitiva quae est contraria interlocutoriae, per quam tota causa deciditur non aliqui emergens, seu incidens, ut dicit additio ad tex. ibi.

Sententia facta ex abrupto, nullis factis probationibus, nec statutis dilationibus, nulla est et [illegible] meretur executionem. Gl. [illegible] [illegible] et [illegible]

Papa nō scribit sine causae cognitione, et si scribit literae surreptitiae sunt, et debent ad eum remitti Cap. 2 de rescriptis.

Duobus testibus damnatur PAPA, et in hoc deterioris est conditionis, quia ipse, sine comparatione aliorū celsior est maior, et ideo sine spe veniae condemnandus. cap. praesul. ij. q. iiij.

Papa nō potest dispensare nō subsistente causa rationabili Alex: de Neuo in cons. 13 num. 5

Papa superiorem non parem habet, et qualiter possit infrendere, et illustrare mos Decal. cons 13 [illegible]

EXCOMUNICATUS

Excomunicatus in iuditio nisi tanquam reus stare non potest cap. intelleximus de iuditiis

Excomunicato excomunicatione maiori interdicitur omnium comunio, sacramentorumque participatio. Excomunicato autem excomunicatione minori participatio sacramentorum solummodo interdicitur cap. à nobis de exc. Abb. in cap. intelleximus n.° 2.° de iuditiis. et aduerte quod hoc, nomen excomunicatus, intelligitur de maiori. cap. penultimo de sent: excom:

Excomunicatus, in quibus casibus possit tanquam actor esse in iuditio. videas Abb. in cap. intelleximus n.° 7.

Excomunicato permittitur comunio quando cedit in sui odium capit: eodem et ibi Abb.s n.° 4.°

Exceptio excomunicationis potest opponi post sententiam, ad impediendam executionem sententiae. Gl: in cap. pia de except: in 6.° ...

FISCVS

Fiscus est dignior q̄ privatus, et instrumentū comune fisco et privato debet teneri in archivo publico, ut possit inde extrahi cum necessitas exegerit. l. procurator Cod. de edendo

Fiscus nō petit instrumenta neq acta, nisi hac conditione ne his ad describendi sit potestas adversus se, vel Rempub: his actis utatq. de quo cavere compellitur: et si quis contra interdictum fecerit causa cadit. l. in fraudem § nec demonenda ff de iure fisci.

EXEMPLVM.

Exemplo non creditur. et ratio est, quia tabellioni non creditur de facto de quo non est rogatus sed qui exemplificat, non est rogatus de facto principali, sed solum de exemplificatione. ergo. l. si quis Cod. de edendo et ibi Glos. 2a ratio est, quia non creditur tabellioni nisi de gestis tempore confecti instrumenti cap cum in iure de off. deligati cap graviter contra Lettam Quarta de probationibus. plures rationes videri tibi erit in l. si quis Cod. de edendo.

Si defficit exemptum defficit exemplatum. l. in ter.tio ff de audit: et demonstr

Si publicum documentum alterius publici faciat mentionem, hoc casu creditur exemplo l. chirographis in principio ff de administr: tutorum. et l. publicati de testibus et quando sit fides debet cum originale est iudicis publicatum idest exemplatum ut in aut: fratrum filij et illud aucte. in l chirographis ff de adm. tut:

Exempla probant contra illum qui exempla dedit l. in fraudem ss neque instrumenta ff de iure fisci.

Quando exemplum exemptum a illo eodem qui fuit originale tunc indistincte facit fidem, sicut ipsum originale, cum eadem sit persona et eadem auctoritas Bart. in l. si quis Cod. de Edendo nº 2º sed exemplum exemptum ab alio non facit fidem

Autentica ipsa, atque originalia rescripta non exempla eorum insinuari debent. l. sancimus. cor.

Exempla [illegible] originale non faciunt fidem. sed [illegible] originale [illegible] perdiditse originale ad probandum [illegible] exempla [illegible] [illegible] ff [illegible]

NOTARIUS

Notarius celans protocollum, et negans se de instrumento rogatum, tenetur pena falsi l. paulus ff de falsis idem in l. qui accusari Cod. de edendo

Scriptura notarii non facit fidem nisi de eo, quod rogatus a partibus debet enim notarius esse rogatus aut in Tabellis & nos autem alias

Notarius non potest esse rogatus a partibus nisi de eo quod ipse partes faciunt l. iii & item divus ff de testibus ibi testibus non testimoniis.

[illegible]

Editio

Finis editionis est declaratio ueritatis Glos. in l. nō est nouum Cod. de edendo.

MARITVS.

Defendi uxores à maritis nō maritos ab uxoribus equū est inst: de iniur. § patitur

+ Reverentia quæ debetur marito debetur etiam uxori Bart. in l. sicut bonis Cod. de in ius vocando.

~~[illegible]~~

[illegible] LEGATVM NETUS

~~[illegible]~~

Legata possunt relinqui nutu: l. nutu ff de leg. iij.

[illegible]

[illegible]

[illegible]

Sufficit annuo [illegible], ut legatum annuum pro illo anno [illegible] l. in singulos annos [illegible] in [illegible] legato [illegible] in [illegible] transmissio. [illegible] in l. generali [illegible] ff de [illegible]

Remitte ad Materiam [illegible] in Repertorio [illegible] in Verbo legatum in Tract. [illegible]

Legato facto per testatorem de fructibus [illegible] annis [illegible] non [illegible]

[illegible]

Legatum simplex in annuum malumitur ... legatum ... dicimitur no. vi. Fol. ... nu. 19. ibi ... materiam medientisq. ... veniunt auctor. ... xi F

Bar. in l. cum quidam ... de annua. leg. ff ... cent. 48. num. ... Serian. in cent. ... lib. iii. ... cons. ... lib. i. num. 61. in hac materia ... alleg. meas pro florio ... de pauia.

... lib. vi. titulo xii Fol. mihi 152 ...

Legatum ...

Lectus uxori legatus cum quibus ornamentis debeatur inde eundem Fol. 151. num. 17. ubi etiam ... egerunt.

... domum ... omnes ... illa conditio ... sine ... Afflict. ... 248. ...

Legatum ... nuncupatiali factum ab uxore marito ... Afflictus Decis. Neapol. 69. num. 2. 3. et 45 ... 49.

Index quo ad unum legatum ... declarans testamentum ... reliquo ... idem num. 50

in 2.

Renuntiatio

Quilibet potest renuntiare favori suo l. penultima Cod. de pactis

Renuntians liti motae, intelligitur renunciare, non solum instantiae, sed causae, et iuri principali. l. postquam liti ubi Iason in prin. cod. de pactis.

Qui renunciat liti non propter hoc dicitur tacite illud ius renunciatum competens adversario. Tex. est iuxta Bal. ad hoc reputat sing. ubi eum. in l. h. cod. de ingenuis et manumissis.

Renuntiatio non nocet quod adversarius non acceptavit, ut colligitur in gl. tertia in cap. cum remissent de eo quod mittitur in pos.

Renuntiatio litis facta in compromisso non habet effectum in sequuto laudo, ita sing. Bal. in l. si diversa in fin. de transact. Iason in l. postquam liti n. 8. cod. de pactis.

Qui ponit se in manibus adversarii, non propterea dicitur liti renuntiare. ita Bal. in cap. cum pridem per illum tex. extra cod. de pactis.

Renuntiatio facta per minorem vel universitatem Eccl. in iudicio, valet mero iure, nec rescindit nisi per restitutionem in integrum. l. postquam liti in q. additione Cod. de pactis.

Testator, et contrahentes, possunt renuntiare iuribus pro se introductis l. pactum Cod. de pactis.

Remittere ius quod quis habet ex sententia, post dolum adversarii, illud non perdit l. cum proponas Cod. de pactis

Confessio Dos

Non sufficit dicere confessionem factam parte presenti, nisi dicat etiam acceptanti. ita Iason in l. postq̄ liti n. 2. cod. de pactis.

Confessio facta parte presenti tunc demum preiudicat quando est acceptata alias secus [illegible] [illegible] l. certi, [illegible] absenti ff. de confes.

Confessio sive consensus [illegible] metu extortus nō valet cap. [illegible] [illegible] de [illegible].

[illegible]

D[illegible] [illegible] [illegible] et extra iudicialis [illegible]
F[illegible] [illegible] [illegible] [illegible]
302 [illegible]
[illegible] in [illegible] v. [illegible] 3. num. 3. cū seq. ubi est [illegible]

Si quis confessus fuit recepisse a Titio 100. quos promisit [illegible] soluto matrimonio, et ex post nō recepit nisi 50 dic quod praecedens confessio [illegible] [illegible] [illegible] 1° Tomo com. [illegible] in verbo [illegible] [illegible] F. 552 B.

Confessus pro iudicato habetur, et hinc est quod à propria confessione recedi non potest, et in re habetur pro condemnato, et contra eum potest fieri executio, ideoque a propria confessione, sicut [illegible] valet: [illegible] est apertus in l. unica C. de confess.

Confessio facta absente parte in iudicio, an praeiudicet confitenti, etiam si postea revocetur, et quid si est quaesita et [illegible] in causa matrimoniali [illegible] hanc quaest: examinatam per Ser: iurior. in Cons. [illegible] vol. 3. a num. 6. usque ad fin.

[illegible] Reg. confessio facta [illegible] non praeiudicat procedat, et quando non [illegible]

[illegible] confessionem [illegible] praeciaque alia probatione de iure, dicitur plenissima probatio, propterea confessus dicitur in iure pro iudicatis haberi. Ser: iur: ubi supra num. 4. [illegible] [illegible] incertitudinis

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in aut.

[illegible] et [illegible]

[illegible] 10. Febr. [illegible]

[illegible]

[illegible]

[illegible]

FVNDVS

Fundi dotalis prohibita est alienatio, non autem venditio et hoc fauore mulieris: ideoque si ipsa mulier vendit, nec tenetur ipsa, nec fideiussor habet regressum contra eam. ita Bar: in l. cum lex 4 de fideiuss.

Fundus dotalis est ille qui inestimatus marito in dotem datus est

Fundus quasi dotalis est, qui legatus est seruo inestimatus in dotem.

Quatuor sunt necessaria ut fundus dicatur dotalis p.o quod matrimonium sit contractum de iure, inter maritum uxorem dantem dotem et maritum accipientem 2.o quod fundus tradatur marito ob quam traditionem ipse efficiatur dominus. 3.o quod tradatur inestimatus. 4.o quod res sit immobilis non autem mobilis alias si non esset immobilis non diceretur fundus.

Potest in quattuor casibus fundus dotalis alienari p.o si mulier habeat domum cum fratre communem indiuisam et portionem suam pro indiuiso dederit in dotem. socius petierat ad diuisionem, tunc permittitur alienatio fundi dotalis. 2.o casus est quando maritus habet domum ruinosam et non vult cauere de damno infecto domui vicini sui 3.o si utile sit mulieri fundum conuerti in pecuniam 4.o si maritus loco fundi dotalis, alium fundum in dotem accipiat.

FUNDUS

Si maritus vel uxorem vendidit fundum dotalem fructus ipse et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

T

LUCRUM

Turpia lucra abstinenda [illegible] extorquenda, atque etiam red[illegible] est ut aliorum scelerum [illegible] l. [illegible] [illegible] [illegible] [illegible] vel ex scelere Cod. de delictis defunctorum.

SOCIETAS

Societati natura est ad transferre dominium in totum ten. est Clarissimus in l. si tibi Area ff de [illegible] verbis.

Societas quod dicatur contracta inter fratres, et quae lucra sint communicanda, et an praedia empta de communi pecunia pro uno, sint alteri communicanda et quando fratres ad sunt socij, si unus acquirit an acquirat alteri et dominium de acquisitis dent, et post societatem quomodo sit facienda divisio vide Decl. in cons. 260. et cons. 304. per totum vol. 1.

INTERITUS

Qui tenetur ad custodiam rei, ratione publici vel privati officii, non sufficit probare interitum, nisi etiam probet casum fortuitum, ita Bal. in l. cum ita si convenerit ad fi. ff de leg. ii. Iod. in l. a pascenda. n. 4. cod. de pactis. ideo non sufficit pastori vel caprario, porcario probare animalium [illegible] hoc constet de interitu, nisi etiam probet casum fortuitum. puta mortalitatis vel similis.

DOS. Fructus.

Dos propter incertitudinem non vitiatur quia regularis promissio quae non habet certam quantitatem vitiatur l. cum post § gener ff de iur. dot:

Fructus [illegible] secundum [illegible] [illegible] successionis, an [illegible] legitima [illegible] debeat, et [illegible] [illegible] arbitrium [illegible] [illegible] [illegible] [illegible] regulari [illegible] cons. 82 [illegible] vol. 4.

Res data in dotem aestimatur secundum quod valebat tempore datae dotis, non secundum tempus [illegible] soc: Senior cons. LX vol. 3.

Mulieri [illegible] hypothecaria [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] numerata [illegible] non [illegible] et dos non numerata [illegible] tamen elapso [illegible] tempus intra quod [illegible] non numerati [illegible] vide in Tomo III [illegible] cons. 68. Fol. 7. A

[illegible]

(Vendita dotis à viro, an illius consanguinei [illegible] [illegible] [illegible] Fol. [illegible]

Iudex qualiter arbitrium debeat extimationem dotis in virgine defloreta Clar. in sua pract: crim: cap. 77. num. 12.

Dos an possit remitti stupratori, à stuprata, et an remissio huiusmodi valeat idem ibidem num 13

SOLVTIO

Solutio secundum gott: est res q debetur redditio inst quibus mod. tol. obl. in pr.

Quando solutio debet fieri in pluribus terminis semper intelligitur actum q solvatur in fine cuiuslibet, non in princ. Bar. et alij in l. q hoc anno ff. de ver. obl.

[illegible]

[illegible] in Tomo 2. com. opin. Fol. [illegible]

[illegible]biter offerens de melioribus bonis [illegible]

[illegible]

[illegible]

[illegible]

~~[illegible] redimere [illegible]~~

[illegible] Fol [illegible] num [illegible]

[illegible]

[illegible] ad [illegible] quicq [illegible] Aprbj

[illegible] lib. X. [illegible]

[illegible]

[illegible] cap. [illegible] lib. [illegible] liber.

more. num. 182. [illegible] Fol. 76 [illegible]

[illegible]
[illegible]
[illegible]
[illegible]

Pactum.

Pactum est consensus duorum vel plurium in idem placitum l. 1. §. 1. ff. de pactis.

Pactum nudum regulariter non producit actionem. Fallit tamen in pluribus casibus quos Ias. enumerat in l. Lecta circa medium ff. de reb. cred. [illegible]

Pactis privatorum iuri publico non derogatur l. ius publ. ff. de pac. ita dicit gl. ordinaria [illegible] in Cap. [illegible] de [illegible] limita tamen [illegible] [illegible] in l. 2. Cod. communia [illegible]

[illegible]

Fit divisive [illegible] F. 817 num. 26. [illegible] quod [illegible] aliquid retinere vide [illegible] Tiraquell. in tract. de retractu Fol. 809 num. 6 et sequentibus F.

[illegible] pactum [illegible] renunciari praescriptioni vide Tiraq. Fol. 812. A. et B.

[illegible] virtute pacti de retrovendendo quandocunque [illegible] submovetur praescriptione XXX. annorum si maxime contractus usurarius [illegible], vel aliter [illegible] vide eundem Fol. [illegible]

Pactum.

Turpe — 1 Pactū turpe [illegible] c. [illegible] de [illegible] [illegible] [illegible] non tenet c. [illegible] de [illegible] [illegible] tra [illegible] de [illegible]

Pacta legitima custodiri debent c. [illegible] de pactis c. [illegible] xx. q. i [illegible] c. [illegible] q. [illegible] et c. [illegible] [illegible] et quis mortaliter peccat recedendo à pacto xxij. 22 q. i c. [illegible] [illegible] inter simplicem loquelam et iuramentum [illegible] [illegible] [illegible] [illegible] 22 q. [illegible] [illegible] [illegible] habentur [illegible] c. i de pactis [illegible] [illegible] per [illegible] seruetur.

[illegible] — Pactū quod dolo initum est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] aduersus [illegible] [illegible] exceptio. et [illegible]

[illegible] — [illegible] sit captiosum l. si id quod pure in fine ff de rescind. vend.

Contra bonos mores — Item si sit contra bonos mores l. [illegible] C. de inutilib. stipulat.

[illegible] — Item [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] salutis [illegible] c. pactiones de pact.
Vide de his [illegible] in Gl. [illegible] [illegible] [illegible] [illegible] de pact. c. i.

Iudex studiose agere debet, ut ea quae promittuntur [illegible] impleantur c. qualiter de pact.

Pactum quod Venditor non [illegible] nisi post certū tempus. ut [illegible] tot annos, [illegible] [illegible], an teneat, et [illegible] validum vide Tiraquel. tit. de [illegible] conuent. [illegible] Gl. iii num. 16 [illegible] [illegible] Fol. 83.

SUBTILITAS

Multiplex est subtilitas, quaedam enim tendit ad capiendos, seu decipiendos simplices, in iudicio, vel extra, et utraque reprobatur, in cap. dilecti filii, et xvi. q. i. si cupis. quaedam tendit ad interpretationem iurium, et si est rationabilis, iuris consentanea non est insania, imo necessaria cap. capellanus. de feriis et facit tex. in l. non possunt ff. de legib. idemque quando adhibetur subtilitas extra iudicium ad veritatem inquirendam capiscendam eliciendamque. cap. i de poenit. dist. vi. ibi diligens inquisitio etc. quaedam vero est irrationabilis, et cum tantum volunt quidam subtiliare, quod se ipsos non intelligunt, verba pervertunt. haec etiam abominanda xLIX dist. cap. i. et xxiiii. q. ii cap. cum sancti. unde bene hac intelligens imp. Iust: in nostra verba prorupit cum nexam subtilitatem quam legimus, quod corrigenda esse censuimus quoniam tamen videtur contraria, et haec amplectenda.

SIMPLICITAS.

Duplex est simplicitas quedam scilicet discretioni contraria et hec reprobatur xxxix. Dist. Petrus. quedam contraria dolositati et ista fovenda in pectoribus nostris de qua Euangelij dictum intelligi debet inquiens. estote simplices ut columbe xvi. q. i. Si cupis. ibique vide bonum tex. cum gl.a Dicitur ne ista simplicitas amica veritati Abb. in. cap. dilecti filij n. ii.

LIBELLUS.

[illegible]

[illegible]

No.

[illegible]
[illegible]

[illegible]

[illegible] idem [illegible]
[illegible]

A [illegible] notantur [illegible]
[illegible]
[illegible]

Actus quem quis approbavit appellari non potest, ut quando acceptat [illegible]
ad solvendum, [illegible] 3 par. [illegible]
[illegible]

Quaestio Emergens seu incidens.

De natura quaestionis emergentis seu incidentis vide comm. in glossa. cap. i. de ordine cognitionum in verbo cognoscenti.

[illegible] pexima, [illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

Evictio

[illegible] [illegible] cxcii nº 4

[illegible] instrumenti [illegible]

[illegible]

[illegible] et [illegible] [illegible] emptione [illegible] [illegible] cum his notabilibus [illegible] [illegible] de Evictionibus [illegible] sub [illegible] [illegible] faciendum [illegible] E

Vide omnino [illegible]

[illegible]

[illegible] propria [illegible] [illegible] [illegible] non potest. nisi in casibus [illegible] in [illegible] expressis in verbo non [illegible]. l. [illegible]. C. [illegible].

[illegible] faciant [illegible] venditoris quod [illegible] de evictione non teneatur [illegible] ibidem l. emptor in.

E [illegible] Vide [illegible] [illegible] d. l. [illegible] citata. et Bor[illegible] [illegible] 263 num. 101

Evictio

Quo casu denunciatio [illegible] sit necessaria [illegible]
[illegible] in
l. emptor in verbo ~~[illegible]~~ vel fideiussorem
C. de Evict. cum additione illico sequenti. et vide
Gloss. ibi in fine in illo verbo vel dicentem [illegible]
[illegible] sciente denunciare. Adde comm: opin. Tomo primo
Fol. 2[illegible]5 A. in verbo Evictio. de materia [illegible]
[illegible] in d. l. [illegible] & Act. emp. in
ult. additione.

Evictio illi non debetur qui [illegible] ad certum tempus soluere, nec [illegible] tempore [illegible] sed post [illegible] ratione vide Borgnini de [illegible] Fol. 2.6 [illegible] num. 102 [illegible]

[illegible]

[illegible]
[illegible]

INTERDICTU

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]

Statutum [illegible] sacrosancte [illegible]

Statutum [illegible]

Statutum [illegible] clxx [illegible]

Statutum [illegible]

[illegible]

[illegible] publicatione

[illegible]

Statutum [illegible]

STATVTV

[illegible] ad [illegible] statutorum et an [illegible] statuta in contractibus [illegible] [illegible] in loco dicti vid. [illegible] Bart. et Doct. in l. cunctos populos C. de [illegible] [illegible] [illegible] explicatur materia. et ideo ibi vid. Doct. et [illegible] [illegible] quandocumque tibi occurrit [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] amore [illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible]

S. [illegible] [illegible] [illegible] et ne faciat mentionem
[illegible] [illegible] originis patria et [illegible] [illegible]
[illegible] [illegible] [illegible] cuiuscunque in patria sua
[illegible] [illegible] [illegible] [illegible] [illegible] in Urbe.
[illegible] [illegible] [illegible] [illegible]

NOTORIVM.

Notoriu[m] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] facti hoc
modo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] constitutione [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ita [illegible] [illegible]
[illegible] [illegible]

~~[illegible]~~

[illegible] sit remissus et qui sit puniibus et qua poena puniatur [illegible] [illegible] non est christiana, et quomodo [illegible] non est [illegible] et alia multa [illegible] [illegible]. Rect. et Apost: [illegible] item 6. in l. [illegible] adulterium [illegible]

An minor 14. annis [illegible] potens in coeundo vide singulariter, et docte in cons. 24. [illegible] Geminiani: Fol. 12

Medici [illegible] aliquem esse habilem ad coeundum necessario [illegible] [illegible] idem [illegible] num. 9. 10. 11. 12.

Ad cognoscendam potentiam coeundi iura dant tria signa primum est pilositas in locis pudendis, secundum est numerus annorum, tertium potentia generandi de qua [illegible], [illegible] [illegible] apparet et si ista tria signa simul concurrunt [illegible] est quod valet matrimonium. Geminia. cons. 24 num. 6. Fol. 12.

Aut adest sola pilositas, alijs deficientibus et illud non est signum sufficiens, aut adest sola potentia coeundi et hoc [illegible], et est matrimonium, aut adest sola aetas, et dubitatur de potentia coeundi, et tunc in dubio praesumitur potentia copulae, et possunt contrahere, et ad istam praesumptionem inducendam requiritur in masculo annus 14 completus. idem ibidem et num. 8. et 9.

Qui dicit [illegible] minorem 14. annis esse [illegible] [illegible] [illegible] quia talis potentia ante illum annum non admittitur. idem ibidem num. 7.

Coitus

Filius institutus tantum in legitima, an admittatur ad [illegible] [illegible] vid. p Bar. in l. filiustam [illegible]

Dos data [illegible] ab avo an debeat ei imputari in legitimam [illegible] petat [illegible] patris legitimam in bonis ipsius [illegible] cons. LXXXI n.° 5.° et 6.°

Legitima debet assignari in aliqua re, vel in alio [illegible] Et an debeat [illegible] quando detrahi de bonis [illegible]

Si restituendo [illegible] [illegible] patrimonio, [illegible] enim [illegible] [illegible] tis [illegible] item [illegible] quod [illegible]

[illegible] legitimam [illegible] [illegible] [illegible] XLVI [illegible]

[illegible]

[illegible] ratione [illegible]

[illegible] stamen. et not

Bar. in l. ex facto la grande. et accurs. in stit:

legitima, minui possit per Statutum, sed non in totum tolli

Barbat. cons. 67. num. 10. vol. 3.

Item a legitima, vel eius supplemento dicitur exclusus

nisi expresse hoc exprimatur in Statuto idem ibidem

num. 9. alleget [illegible] [illegible] in [illegible] quando

ss ~~specialiter~~ generaliter C. de inoffic. test. quod

licet filius acceptet se contentum de eo quod

[illegible] pater, [illegible] [illegible] debet esse

supplementum. [illegible] nisi specialiter de legit.

vel supplemento fecerit mentionem

Addi ... cap. Rainutius ...

... 86. n.° 73

Fundatio iuris patronatus

Fundationi iuris patr: standum super eo an ~~[illegible]~~ capellanus actu sacerdos esse debeat nec ne, et nihil contra ipsam fundationem innovandum. Sacr: Concil. Sess: 25. cap. 5. Rod: de curte in suo tract: iuris patr: in verbo honorifice num: 21. Fol: mihi 7. Pulchre autem, et exactissime per Stephanum quarantam in sua Summa Bullarij in titu: Servitium Capellae Fol. mihi 458 per totum ubi materia exacte, et singulariter tractatur. et tractavi in Cons: meis pro R.mo Episcopo Marino satis circa finem ubi videre poteris.

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INFANS, SIVE PUPILLUS an obligetur

Infantis aetas quicquid vult ignorat, hic enim regulariter contrahere non potest nec obligari, hoc tamen fallit in duobus casibus. Primus est in depositi rem pupilli salutem [illegible]. Secundus est in obligatione quae nascitur ex negotio utiliter vel necessario gesto, quinimo etiam ex delicto infans obligatur in maiori autem infante distingui, aut est proximus infantiae, et tunc idem teneri pro omnia dicendum quod in infante aut est proximus pubertati, et tunc idem est dicendum quod in impuberi in quo [illegible] inquit, quia aut contrahit cum suo tutore, eius auctoritate et tunc contractus est nullus, aut contrahit cum suo tutore alterius contutoris auctoritate et tunc valet contractus aut contrahit cum alio quam cum tutore: et tunc siquidem contrahit sine tutoris auctoritate contractus est nullus aut contrahit tutoris auctoritate tunc contractus tenet. Dummodo tamen auctoritas legitime sit interposita, alias pro non interposita habetur. Haec autem omnia vera sunt nisi fieret contractus super alienatione rei mobilis ipsius impuberis, quia tunc sola auctoritas tutoris non sufficit ut contractus teneat sed exigitur etiam decretum et auctoritas iudicis alias contractus est nullus. licet factus maior venditionem factam sine decreto potest expresse confirmare, et hanc eandem tacite confirmare videtur si post XXV. annorum tempus expletum per quinquennium silentio continuum, quod est notatu dignum. Illud tamen est etiam [illegible] commendandum quod in omnibus casibus in quibus dictum est contractus factus cum pupillo vel minore tenere [illegible] quod [illegible] minor ex huiusmodi [illegible] venditione de re sua immobili quantumcumque solemniter [illegible] laedat potest petere rescindi per beneficium restitutionis in integrum huiusmodi contractum et venditionem, Ubi autem esset maior pubertate, minor autem XXV. Annis tunc dic per omnia, ut dictum est in impuberi habenti tutor: aut [illegible] habet tutorem vel curatorem et tunc tenet venditio et quilibet alius contractus ab eo gestus sed tamen si ex eo sit laesus potest petere se in integrum restitui. nisi iuraverit [illegible] contra contractum. Auctor Papiensis in Rub.a Forma libelli in Act. Reali vers. venia[?] et legitimis etc. [illegible] usque [illegible] Fol. 26 ubi haec omnia legibus ac iuribus firmissimis corroborat, quae ego allegan[illegible] gratia [illegible] potius tamen data occasione singula videre, studere, et practican.

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Filius Fam: et servus, an et quando obligentur.

(tenetur)
[illegible] vel servus si contrahant cum eorum patre vel Dño nunc distinguendum venit in
servus vel intelligentia notandum quod aut filiusfam: est emancipatus, et tunc
valet omnis contractus vit eos debitus aut est in potestate, et tunc aut con
tractus celebratur super re profectitia vel adventitia et contractus est nullus
licet obligatio naturalis inde oriatur, aut super castrensi vel quasi et tunc
tenet, quia in peculio castrensi, vel quasi, reputatur filius tanquam pater
Fam: et sui iuris. [illegible] contrahit cum extraneo, et tunc aut contrahit
cum alio fratre suo, in eadem potestate constituto, et idem dic quod in patre. aut
contrahit cum alio penitus extraneo, et tunc tenet omnis contractus
cum eo habitus regulariter fallit in mutuo. licet [illegible] casus nos [illegible] tenet
ad contractum. Si vero servus contrahat cum Dño suo nulla competit
efficax actio ex huiusmodi contractu, licet sit naturalis obligatio. ubi
autem contrahit cum extraneo tunc aut contrahit acquirendo Dño suo
et tenet contractus aut contrahit alienando et se obligando, et tunc
non tenet contractus, licet naturaliter tantum obligatur. Fallit in casibus
not: ff l. iiij. (ad.) an servus ex suo facto. Pap. in Rub.a Fer: lib: in
Act: Reali vers. veni ac legitimi etc. n: 15 Fol. 27.

[illegible]

[illegible]

[illegible]

An contractus gestus per mutum vel surdum teneat.

Pro cuius quaestionis resolutione sciendum est quod talis aut contrahit acquirendo, aut se vel sua obligando. primo casu aut per eius genus contractus in quo requiritur de substantia eius, verborum expressio, ut stipulatio etc. et tunc non tenet huiusmodi contractus: aut genus contractus in quo sufficit solus consensus, ut est venditio emptio locatio et similia tunc tenet et idem dic per contraria servanda in surdo per iura praedicta. Secundo vero casu cum contrahit se vel sua obligando distinguendum est, aut enim tempore contractus habuit curatorem, et non tenet alienatio, nec obligatio: nisi curatoris auctoritas et iudicis decretum intervenerit aut nullum habuit curatorem et tunc aut fuit contractus verborum et non valet [illegible] aut fuit contractus aliud secus [illegible] Pap. in Rub.a Forma libelli in Act: [illegible] etc. n. [illegible] usque ad n. 19 [et] 27.

Mer

[illegible]
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Mentecaptus. } An contractus furiosi valeat necne } Prodigus.

[illegible] qui se ipsum [illegible] et alios dicendum est. quod talis incipiat pro
[illegible] à lege curatorem et consequens à iure sit eidem interdicta potestas alienandi
contractum ab eo initum seu celebratum sine iudicis ac curatoris auctoritate non
tenet. An autem possit aliquid [illegible] ipsum dubitatio est ideoque distinguendum aut
genit contractum qui non contrahitur ut mutui vel depositi aut [illegible] vel [illegible]
primo casu tenet contractus, et idem in quibuslibet casibus quibus alii sane mentis
[illegible] obligatio [illegible] in secundo autem casu dicendum quod tenet contractus
[illegible] ipsum, ut ex eo sibi quaerat propter defectum consensus. hac eadem
distinctio [illegible] semania est in mentecapti. est autem mentecaptus cui nullus
offenditur [illegible] intellectu quid autem dicendum sit in prodigo? videtur idem
[illegible] quod in furioso dictum est quia furiosus et prodigus à iure comparantur,
et tamen videndum an prodigo sit interdictum bonis à lege ipso iure, vel an
requiratur quod sit interdictio à iudice. et videtur quod à lege sit interdictio
facta prodigo sicut furioso, in oppositum videtur quod requiratur decretum et
interdictio iudicis [illegible] [illegible] est. quibus sic stantibus, ad quaestionem respondeatur,
prodigus aut contrahit acquirendo aut alienando ante interdictum sibi factum à
iudice, vel dationem curatoris, et tunc aut contrahit sibi acquirendo et tenet
contractus! aut contrahit [illegible] alienando vel se obligando et non tenet. Rep:
in [illegible] [illegible] lib. in Aut: [illegible] [illegible] veris ac legitimi. n. [illegible] Tom. 27. [illegible]
adn. 22

[illegible] persona prohibita contrahere vel alienare à testatore
[illegible] [illegible] teneat contractus et
[illegible] [illegible] [illegible] alienatae.

In [illegible] [illegible] distingue. aut loquimur in alienatione necessaria, aut in
voluntaria primo casu subdistingue, aut causa necessaria traxit originem à
defuncto, ut quia defunctus obligavit se [illegible], et ob hoc creditori res datur in
solutum, vel alia simili causa intervenit et tunc tenet contractus et alienatio
[illegible]. Aut causa alienationis traxit originem ab ipso haerede ut quia ipse haeres
obligavit se [illegible] unde eius creditori res datur in solutum, et tunc tenet alienatio
in vita haeredis tantum post eius mortem [illegible] revocatur. Si vero loquimur in
alienatione voluntaria et tunc aut prohibitio facta sine certa causa vel sine
alicuius personae contemplatione et tunc prohibitio est nulla, et valet contractus
et dominium transfertur. aut prohibitio vel interdictio est facta cum causa legi-
tima, et tunc aut est facta per verba praesentis temporis verbi gratia, si alienaverit,
vel alienaverit res deveniat in talem, et tunc tenet contractus alienatione
secuta aut prohibitio est facta pure et simpliciter per verba praesentis temporis
ut quia testator dixit volo quod haeres meus [illegible] tali [illegible] vel talem vendat
quia volo quod remaneat in agnatione mea et tunc non tenet contractus nec dominium
transfertur, et statim admittitur revocatio. Sed circa praemissa quaeritur si facta
sit prohibitio à testatore cum causa vel contemplatione [illegible] [illegible] [illegible]
alienetur, an instituendo aliquem haeredem alienari in [illegible] articulo cum [illegible]
[illegible] [illegible] [illegible] distingue, aut prohibitio est facta limitatione [illegible]
temporis ut quia est facta prohibitio ne alienatio fiat in vita ipsius prohibiti et
tunc videtur [illegible] post mortem aut [illegible] personarum, ut quia testator pro-
hibuit rem alienari in [illegible] [illegible] persona, vel de [illegible], et tunc instituendo
haeredem aliquem personam ex [illegible] [illegible] alienari, et contra prohibitionem testatoris
[illegible] [illegible] contractus nullus, aut est facta prohibitio simpliciter [illegible] ad omnes

et tunc

... aut res transit ad heredem extraneum expresse institutum et tunc illa alienatio prohibita non ad eum. Et hoc verum quando superfuerint illi personae quarum causa est facta prohibitio. Si vero nemo superesset, tunc potest extraneus heres licite institui, aut transit ad heredem legitimum ab intestato venientem, et tunc talis alienatio non venit in prohibitionem. Quid autem si illi omnes quorum causa testator fecit prohibitionem rei alienationis consentiant ipsi alienationi, an tunc tenebit contractus et alienatio dic quod sic. Si autem non omnes consenserunt sed aliqui ex eis, tunc illi qui non consenserunt alienationem revocare possunt. Quid ergo si deficientibus ... quod fundus in sua familia remaneret et heres contra voluntatem alienavit, deinde decessit heredibus relictis filiis, ... testatoris, an possunt eam alienationem revocari dic aut isti ... sunt ... ipsius heredis prohibiti alienari et tunc non possunt, aut sunt omnes ... aut aliqui ... heredes aliqui instituti, et tunc illi soli ... sunt heredes pro portionibus suis tantum possunt alienationem revocare, ratio quia heres non potest impugnare factum defuncti. Sed nunquid ... personae quarum contemplatione facta est prohibitio possunt ... vicem una alteri et in concerto alienari. Respondeo ad hoc et dic quod ex praesumpta voluntate testatoris. Quid ergo sit dicendum si unus alteri ... an potuit res ipsa amodo alienari in extraneum, ... sitio est in uno v. g. ... ~~quando ... alienet et tunc si semel facta sit alienatio~~ dixit testator prohibeo rem alienari etc. et tunc ... durat prohibitio, aut est facta in persona v. g. nolo quod heres meus rem alienet, et ... si semel facta sit alienatio in personam prohibitam ... potest deinceps alienari in personam prohibitam, ex quo apparet quod sufficit semel satisfactum voluntati testatoris. Capicius in Rub. ... Lib. ... ... vel legitimis etc. n. 32 usque ad 36 fol. 29. et cum ... additionem in margine ibidem quae ... citant.

Mulcta. Poena.

Mulcta ex contemptu irrogatur sed transmittitur 2° [illegible] in allegan[illegible] [illegible] nisi à principio [illegible] citatus n[illegible] nollit comire Decll: in suo tract: crim: titulo de Mulctis num. 6. Fol. 72. ter. ubi pro toto de materia [illegible]

De hac materia habemus [illegible] de modo mulctandi

Mulcta non debet esse maior [illegible] causa [illegible] num. 10

Mulcta [illegible] [illegible] iniusta [illegible]

Pro Su[illegible]
aliq[illegible]
et [illegible]
pre[illegible]
ius [illegible]
tien[illegible]
et ali[illegible]
omn[illegible]
[illegible]
alier[illegible]
aut [illegible]
aut [illegible]
tun[illegible]
si fa[illegible]
tun[illegible]
aut [illegible]
et [illegible]
g. q[illegible]
cer[illegible]
aliq[illegible]
imp[illegible]
[illegible]
ar[illegible]

Persona prohibita contrahere inter vivos: si contrafaciat, an dominium transferat.

Pro huiusce nodi explanatione sic breviter tractetur. aut ille prohibens cavit ne res alienetur: aliquod ius in re ipsa sibi reservando et tunc si contrafiat non valet contractus et dominii translatio impeditur ut patet in Domino qui dedit rem in Emphiteusim [illegible] et pactus est ne liceat Emphiteutae rem alienari. aut nullum ius sibi reservat, et tunc aut fit alienatio irrevocabilis, ut patet in donatione libertatis quae non potest revocari et tunc contractus est nullus et alienatio aut est revocabilis alienatio de sui natura et tunc secundum omnium opinionem tenet contractus et dominium transfertur. Sed dubium restat quomodo procurator illi qui pactus est ne res alienetur contra alienantem? in quo passu sunt variae opiniones tamen tu dicas si aut tale pactum [illegible] intervenit super re propria paciscentis aut super re aliena. primo casu aut illius interest rem non alienari et tunc agitur ad interesse contra alienantem et intellige maxime si facta sit prohibitio sub certam poenam, aut eius non interest. et tunc non agitur si contrafiat. si vero pactum fiat super re aliena et tunc aut non interest paciscentis alienari et non agitur ad [illegible] aut interest et tunc si contrafiat potest agi ad interesse patet ergo ex dictis quo ad impediendam dominii translationem potentius agit prohibitio legislatoris quam contrahentis, cuius ratio est potest enim legislator nedum [illegible] voluntati sine aliqua traditione dominium in alium transferre, ergo etiam potest eius translationem impedire ut contrario eadem sit disciplina per regulam [illegible] [illegible] [illegible] Cap. in Rub.ª Forma libelli in Act: Acad. [illegible] ac [illegible] N. 36 usque ad num. 39. Fol. 30.

Fundus dotalis an alienari possit

... cum si sub dominio ... aut fundi dotali alienari ... ut uxoris ex causa necessaria et tenet alienatio ut ... in solutu creditori mulieris, qui praeuenit in ablatione fundi ipsius viro in dote, vel ... mariti vir ad divisionem prius fundi ... casibus permittitur alienatio si vero fiat alienatio ex causa voluntaria tunc aut fit titulo universali ... instituendo, et tenet alienatio ... transeat cum sua causa. Aut fit titulo singulari et tunc aut res fuit tradita viro inaestimata et ... alienari, aut fuit tradita res ipsa aestimata, et hic subdistinguitur aut aestimata fuit ex aestimatione ... non fecit emptionem ~~et tunc aut data~~ ~~est ipsi mulieri electio petendi quod velit, et tunc non potest alienari~~ aut ... fuit aestimata eo solo respectu, ut sciatur quanti ipsa res ... nihilominus dicitur ... et idem dicitur quod alienari non potest. aut fuit aestimata aestimatione quae facit emptionem et aut data est ipsi mulieri electio petendi quod velit et tunc non potest alienari, aut ... viro electio solvendi quod velit vel rem, vel pretium, et tunc potest alienari, in dubio autem si hoc non appareat praesumitur electio viri si autem vir consentiente uxori, fundum dotalem inaestimatum alienaret uxor, ... non ... alienationem, confirmatur virtute iuramenti alienatio, nisi tamen prius mulier iurasset se non alienaturam quo casu ... tenet contractus postea celebratus, etiam cum iuramento, cum prius iuramentum tollat posteriori. Pap. in Rub.ª Forma lib. in, Act: xeli ... de legitimis etc. n. 79. usque ad n. 81. Fol. 36. et ... additiones in margine contentam. quae cumulenter citant.

quaesit
iudica
pet
tunc
[illegible]
lite
ista
[illegible]
hypoth
actio
in actu
i.e. a
solam
maris
iure
litigiosa
predicta
volunta
legatu
statuti
que tam

Res litigiosa pendente lite an alienari possit.

Si quaeritur an res litigiosa alienari possit distingue. aut per rem agitur rei vendicatione directa vel utili et sic de dominio eius quaeritur, et tunc non potest alienari, aut pro ipsa re agitur ad usumfructum eius, actione ad ... et tunc idem quia ususfructus est pars dominii; secus si pro alia servitute agitur, aut pro ipsa re agitur actione hypothecaria et tunc non efficitur litigiosa, et ideo est permissa alienatio, aut agitur actione personali et tunc res ipsa non efficitur litigiosa, et inalienabilis, sed ipsa actio sola litigio efficitur. nec mirum si isto casu ~~si illo casu~~ res non sit affecta vitio litigiosi, quia si actio hypothecaria non efficit rem litigiosam quae rem ipsam respicit multo magis actio personalis. Sed autem dubium quaeritur an ad hoc ut res efficiatur litigiosa vel actio sit necessaria litis contestatio vel sufficiat sola libelli oblatio. Cuius autem quaeritur de re, aut de actione, si de re, illa efficitur litigiosa per solam oblationem prius principi factam, vel solam oblationem libelli. Si vero quaeritur de actione, tunc illa actio efficitur litigiosa cum sit contestata. Sed iure autem canonico inductum est quod per solam citationem res et actio sit litigiosa. Et nota quod ille qui rem vel actionem litigiosam alienat punitur. Et predicta procedunt quando fit alienatio inter vivos. ubi autem fient in ultima voluntate tunc secus aut ... nunc si habes C. de litig. ubi ... alienatio litigiosa rei litigiosae si contingit haeredem obtinere in causa licet dum esset alius statutum. Quid autem dices si fiat alienatio rei non litigiosae ante litem motam sed tamen facta est spe futurae litis, et dic quod aut talis alienatio facta est

in potentiorem

in contentionem ratione [illegible], et non ualet et punitur alienator, aut
et facta in alium dominum aduersarium ratione diuitiarum uel
alia simili causa, et tunc agit ad [illegible] contra alienantem, et [illegible]
a laici dicunt habere dominum aduersarium grandorum alienatio et
facta in Ecclesiam Papiensem in Rub. Feu: lib. in fin: Rub
de Vasallo. Veri ac legitimi etc. n. 51. usque ad n. 56. fol. 36

Notio generalis iustificationis

[illegible] natura tractat [illegible]
[illegible] an [illegible] [illegible]
[illegible] [illegible] peccatur [illegible]
[illegible]
[illegible] in praxi [illegible] generis [illegible]

Ho
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An Actor sit audiendus, qui recusavit ante oblatio libello recipere rem à reo cum ei oblata esset

Hoc in casu qui non certum micinus est tali pacto. Vel [illegible], aut recusavit actor rem recipere, tanquam sibi inutilem omnino, aut quandoque deteriorata [illegible] pro casu videtur habuisse illam pro derelicta, ideo ipsius non admittitur petitio. Secundo casu subdistinguo aut reus obtulit rem et interesse deteriorationis, et tunc si actor renuit ~~illam~~ illam recipere, damnum postea in ea contingens pertinet ad dominum et periculum eius: aut rem obtulit sed non interesse deteriorationis, et tunc licuit actori recusare, quia reus tenetur ad omne interesse, tam temporis praeteriti quam praesentis. In dubio autem ubi non apparet animo actoris recusantis recipere, diligenter consideranda est qualitas et quantitas ipsius rei recusatae ac etiam qualitas personae recusantis ut si res fuerit utilis, et actor quidem dives et res [illegible] praesumitur recusasse habere ipsam rem pro derelicta. Si vero fuerit res exigui pretii et actor quidem pauper, et tunc non praesumit animum habuisse relinquendi et facit ad hanc distinctionem sapientissime utilissimus Auctor in Rub. Firma lib: in Acti: Reni [illegible] et hodie recusat n. 1. Fol. 390.

Quid autem si res ipsa quae petitur est mobilis puta equus et bos qui mortuus est pendente lite, an debeat reus ad restitutionem pretii condemnari vel absolvi [illegible] est distinguendum, an fuerit possessor bonae fidei vel malae. [illegible] pap: ibidem n. 4. nec difficilis cum haec frequenter contingant.

Hoc v[illegible]
impu[illegible]
ab[illegible]
pinci[illegible]
[illegible]
et [illegible]
ini
est [illegible]
[illegible]
R
n [illegible]
[illegible]para[illegible]
h va[illegible]
ab [illegible]
ver. [illegible]

Sententia absolutoria ab observatione iuditij an sit diffinitiva.

Hac vacillatione distinctionis remedio utaris. aut enim talis sententia imponit finem principali causae, ut de caetero agi non possit ut puta si dicat absolvo te quia solvisti et tunc est diffinitiva. aut non imponit finem principali causae, sed reservat ius in alio iuditio utrique parti ut puta si [illegible] quia libellus est male conceptus, vel propter absentiam actoris et tunc est interlocutoria, sed hanc dicas habere sententiae diffinitivae [illegible] sive interlocutoriam omni casu poterit appellari, quia ubi interlocutoria est talis, quod non speratur alia diffinitiva, tunc a tali interlocutoria semper potest appellari, quia cessat ratio quae est in aliis interlocutoriis in quibus dicitur ideo non posse appellari quia damnum per eas illatum est reparabile, per appellationem a sententia diffinitiva in causa [illegible] quae ratio cessat hoc casu. et haec de iure civili. sed de iure canonico ab omni interlocutoria appellatur. Pap. in Rub.ca forma [illegible] in [illegible] vers. [illegible] veram diffinitivam sententiam. in pri. Fol. [illegible] [illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Si duo sint actores in eadem causa, quis praeferatur et quomodo reus indemnitati suae provideat.

In tali casu dicas quod iudex adiudicabit rem ei qui melius ... de iure et si unus praevenerit in sententia obtinenda debet reus petere a iudice antequam compellat ipsum reum ... restituere ut cogat eum idonee cavere ipsi reo de defendendo ipsum adversus alium actorem alias si restituerit rem ... exacta neque petita tali cautione tenetur eo actori ad interesse secundum veram opinionem quia praesumitur fuisse in dolo restituendo sine cautione. Quid ergo si reus fuit sollicitus in cautione petenda iudex autem negligens in faciendo eam praestari ... reus ... ... culpa possidoris ... Pap. in Rub.a Forma lib. in Act: Reali ... n. 4 Fo. 42

Reus condemnatus ad restitutionem rei
an ad fructuum restitutionem
teneatur.

Pro cuius solutione, sub brevitate hac conclusione distinguitur aut quaeritur
de fructibus [illegible] aut percipiendis hoc est de iis qui percipi potuerunt.
Primo casu aut est bonae fidei possessor et cum titulo aut malae fidei et sine
titulo; si bonae fidei, aut fructus extant sive industriales sive naturales
et tenetur [illegible] sive [illegible] actionis [illegible] iudicis officio secundum [illegible]
[illegible]. aut sunt consumpti et tunc non tenetur restituere nec compensare.
[illegible] possessor expensas in rem factas pro eum postulaverit vel [illegible]
tunc enim fieret fructuum et expensarum compensatio, de percipiendis autem
non tenetur propter titulum. Secundo casu principali quando fuit malae fidei
[illegible] possessorque, quia aut nunquam habuit titulum et tunc tenetur de
omnibus [illegible] perceptis et percipiendis et tam extantibus quam consumptis. aut
habuit titulum. et tunc aut habuit titulum solemnem et tenetur de
fructibus perceptis extantibus vel non extantibus. de percipiendis autem
hoc est de iis qui percipi potuerunt propter titulum non tenetur nisi in
[illegible] casibus notatis per Glos. in l. si fundum ff. de reb. oblig. aut habuit
titulum minus solemnem et tunc si fuit in mala fide tenetur de omnibus tam
perceptis quam percipiendis, si vero fuit in bona fide tunc idem dicendum
[illegible] supra dictum est in habente solemnem titulum cum bona fide in hoc casu
[illegible] ad fructus [illegible] minus solemnis titulus habetur pro solemni licet non [illegible]
ad rem [illegible]

Quae autem superius dicta sunt circa restitutionem fructuum, debent intelligi deductis prius expensis factis in ipsis fructibus percipiendis [illegible] in Rubrica [illegible] col. 43. [illegible] tamen [illegible] in minori, quia possessor [illegible] fructus minuendo [illegible] Pap. ibidem [illegible] 44. in [illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

... [illegible] ...

[illegible] probitur [illegible] ... [illegible]
dimicus loci. [illegible] ... [illegible] feudalia
[illegible] cons. XXXiiii per [illegible] ... [illegible] inscriptio
et legitur. consilia feudalia et summa Feud. sed consilia [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

in aliena[illegible] sicut [illegible] principum [illegible] [illegible]. [illegible]
[illegible] quam [illegible] [illegible] principes [illegible]
[illegible]. natura[illegible] [illegible] omnibus [illegible] [illegible]
[illegible] consilia [illegible] [illegible] [illegible] [illegible]. XII
[illegible]

Au[illegible]
ba[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Antiquitas

Antiquitas [illegible] [illegible]; et [illegible] [illegible] [illegible] [illegible] [illegible] facta [illegible] [illegible] [illegible] CCCCLXXXIII [illegible] Iacobi [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

†

Puella. [illegible]

Puella minima oneratus foedus, stupri ne teneatur quia iam tum ad prostrationem eius pudicitia illatum Petrus Roicius decis: Lituaniae iii nº 586. 587.

Virgo corrupta, praesumitur seducta, et decepta Bial in sua praxi crim: cap. 77. num. 10. Mantica in tract: de coniect: ult: voluntat: lib. 2 tit 12. num. 24. Fol. 323.
Gravius poena puniendus est qui virginem corrumpens quam sponsam. ibidem et Bial num. 8. et vocatur ad matrimonium

Uxor. Matrimonium. [illegible]

Quando Maritus separatur ab uxore [illegible]

In quibus casibus uxor a marito separatur et [illegible] Covarruvias tomo p. 2a parte cap. 7. [illegible]

[illegible]

[illegible]

[illegible]

Uxor [illegible]

[illegible]

F [illegible] — [illegible] 72 [illegible] [illegible] Consanguineo [illegible]
[illegible] F

[illegible] Uxor relicta domina[?] omnium bonorum [illegible] usufructuaria
[illegible] [illegible]
Titia [illegible] [illegible] [illegible]

F [illegible] [illegible]
[illegible] [illegible] Vide Mortuarium[?] in [illegible]
[illegible] pro [illegible] vide in Tomo 2. Fol. 20[illegible] [illegible]
ibi, mulier relicta usufructuaria.

Uxor non succedit marito [illegible] [illegible]
et cognatis Card. Tusch.[?] in pract. de concl. lit.
16. v. tit. 4. num. 7. Fol. 47.

Uxor relicta usufructuaria [illegible] [illegible]
[illegible] habebat alimenta ~~p~~ [illegible] lib. 6. tit.
[illegible] 11. et 148. et lib. 11. num. 11.

Vide [illegible] Si testator instituit uxorem [illegible] [illegible]
vita sua, et nepotes in eodem testamento heredes universales
[illegible] instituit, [illegible] [illegible] uxor est mulier
[illegible] usufructuaria. ~~[illegible]~~ [illegible]
Decius in cons. 278 [illegible]

[illegible]

[illegible] Damnum

[illegible] vel porcis [illegible] [illegible] [illegible] [illegible] damnum [illegible] [illegible] [illegible] et [illegible] multa circa [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] damno dato. Fol. 270 no. 53 et ibi de Gallina num. 12

Si damno ato a [illegible] [illegible] [illegible] [illegible] vel [illegible]

[illegible] [illegible] [illegible] [illegible]

Domestici.

Dicuntur Domestici servus et [illegible] vel [illegible] [illegible] enim [illegible] servus C. [illegible] qui [illegible] confu. [illegible] item uxor mariti [illegible] contra ut [illegible] tatione. Item [illegible] [illegible] l. [illegible] [illegible] [illegible] ff. [illegible] adde meliorem gl. in c. in literis de testibus. et in summa iii q. v [illegible] [illegible]ntur domestici quibus ratione patrie vel [illegible] [illegible] potest, [illegible] [illegible] habitant

[illegible]

Testamentu [illegible] que [illegible] conditu [illegible] valeat
[illegible] a [illegible] mentis [illegible] prohibetur [illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

Quibus modis [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] vide Cap. [illegible] [illegible]
[illegible] Fol. 241. n° [illegible]

[illegible] . TVS.

Quibus [illegible]

[illegible]

[illegible]

[illegible] testt: filius [illegible] fratribus [illegible] testt: fuit in pugnatio, filius [illegible] in testt: valebit. [illegible] quid in [illegible] quo [illegible] habetur ex testt: [illegible] etiam [illegible] num. [illegible] Fol. 459

Testamentum [illegible] ratione [illegible] an [illegible] in eo [illegible] [illegible] Fol. 459 [illegible]

[illegible] a [illegible] num. [illegible] Fol. 65. etiamsi facta fuerit [illegible]

[illegible] ad pias causas facta, an [illegible] ultima voluntate [illegible] voluntas [illegible] ut executioni [illegible]

Testator faciens mentionem in prima parte testamenti de filijs masculis, in secunda de filij tantum. intelligitur [illegible] de masculis tantum ut praedixerat, Decianus cons. CXiiii num. 14. pro et contra vide per illustr. Mantica in tract: de coniect: ult. vol. lib. vi. tit. Xiii num. 8. Fol. 157.

[illegible]

Testamentum

Transfusio [illegible] non vitiat contractum nec [illegible] commutatio l. propositi ubi [illegible] et Alex. C. de testam.

In testamentis [illegible] legata, tam [illegible] qui testamentum [illegible] testam. l. [illegible] limita [illegible] tamen quod notarios, quia [illegible] in [illegible] in scriptis, [illegible] vel pati in [illegible] legatum vel fideicommissum [illegible] et si adscripserit, poena l. Cornel. de falsis tenetur. [illegible] in suo tract. [illegible] lib. i. titulo. vi. num. 5.

[illegible] [illegible] l. [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] natione [illegible] quod [illegible]

[illegible] [illegible]

Damnata [illegible], [illegible] legata [illegible] filio [illegible] ff de leg. iii.

PRAETERITIO

Quando testamentum dicatur nullum ratione praeteritionis. Vide in l. si cum + test. mili. Bal. in Auth. ex causa C. + lib. praeter. Cast. in l. cum quis + … et facti ignor. Bal. in addit. Spe. in tit. de test. in vers. si praeteritus et ibi Spe. in vers. …re habuit.

Testamentum [illegible] causa praeteritionis dicatur nullum, quando filius filiam qui non est in aeui … , dicat testamentum in quo est praeteritus nullum et multa ad materiam praeteritionis. Vide Dec. Jas. sub R.[a] Tor. lib. … post. haered. de test. vers. ac etiam valeat … testam. Fol. 453

Filius [illegible] in test. … [illegible] et antequam impugnet testamentum moriatur an tale testamentum sit validum, et quid in posth. uno praeterito. Vide pulchre de … Dec. pap. sub R.[a] Tor. … quo post. haered. de test. vers. ac etiam valeat num. … et .iii. …

Testamentum … dicatur nullum ratione praeteritionis, … an legata … valeant … sub R.[a] Tor. … de test. vers. eodem Fol. eodem n.° 15

Matrim.º Casus separationis Thori. Uxor

In quibus casibus Thori separatio inter maritum
et uxorem fieri possit quemadmodum de adulterio et
multa ad materiam [illegible] non quando mulier [illegible]
causa [illegible] vide Covarruviam Tomo p.º
secundae partis Cap. vii. § quinto Fol. 207. [illegible]
et [illegible] in textu huius [illegible] [illegible]

Uxor quae à marito recesserit ob eius saevitiam et odium
non cogitur redire, etiam si maritus praestaret cautionem
de non offendendo [illegible] 645. num. 7. vol. 5

[illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible] ... num. 51

CIRCA. INCIRCA. Dilucidatio Verbi

Circa, an sit dictio dubia, et obscura probatio ... [illegible]
vide Carrer. Cons. clxxix n.o 4.

Quomodo fiat ~~[illegible]~~ divisio fructuum in religionibus, Monasteriis, Ecclesiasticis, et inter Sacerdotes defunctis, in beneficio vide Tonamanniam in lib. i. variar. resolut. cap. xv. num. 12. et 13. ... Thomo 2. Tit. 75

Communis usus loquendi

De communi usu loquendi vide plurima, et pulchra per Corn: cons: CLXXIX:

Rasura, superinductura seu cancellatio non facit testamentum deficere si per inadvertentiam fiat. [illegible] unus [illegible] de testamento.

[illegible]

[illegible]

[illegible]

Ex[illegible] testamenti quaedam [illegible] ratum [illegible] quemadmodum praecedentia [illegible] sequentia, [illegible] lib. [illegible] xiii [illegible]

[illegible]

Probatio quod dictatur fuit in [illegible] dictari quomodo fiat. et multa alia ad materiam huic

Bal. in l. unica C. si quis aliquem test. prohib.

Testamentum ab incipiente mori factum, et deinde non coram eo, sed foris in alio cubiculo sigillatum an teneat, et sit validum. Afflict. Decis. 69. num.

Testamentum valere pro parte, et pro parte non quando ex voluntatem iudicis fieri potest idem num. 9. Fol. 140

Iudex potest Testamentum quoad unum legatum [illegible] et in reliquo [illegible] num. 10

[illegible]
[illegible]
[illegible]
[illegible] 4. ff. de leg. 2.

Occidens se ipsum moritur intestatus, et rumpitur ac annulatur omne testamentum prius ab eo factum, ita communem opinionem dicit Gabriel. de Benedict. in c. raynutius in 2. parte in verbo mortuo itaque testatore num. 41. 43. et 45. quod tamen intellige procedere, in eo qui conscientia proprii sceleris [illegible] nam si qui taedio vitae, doloris impatientia, furore, morbo, pudore [illegible] se occident, hi [illegible] [illegible] negotium testamentum [illegible]. Clar. in §. [illegible] quaest.

8 vers. si ipsum occiden. Gabriel. vers. praeterea Bart

[illegible]

Et attamen [illegible] non detrimentum [illegible] patitur, ita quod [illegible] est quod reliquerit quando sed [illegible] in tali vero [illegible]

[illegible]

Delineatio Rasura

Rasura interlineatio seu cancellatio non facit testamentum deficere l. si unus c. de testamentis.

Chirographum licet sit cancellatum, et sic praesumptive debitor liberatus videatur, in eam tamen quantitatem quae manifestis probationibus, creditor sibi adhuc deberi ostenderit recte, debitor conuenitur tex: est aureus in l. si chirographum cancellatum fuerit ff de fide instrum:

[illegible]

[illegible] Dario in [illegible]

[illegible]

[illegible]

[illegible] .45

[illegible]

De [illegible] dimidium iusti pretij [illegible] cuius [illegible] venditionis contractum [illegible] petitur [illegible] in [illegible] soci [illegible] [illegible] tractat[illegible] materia l. 2. C. de rescind. vend. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] …entur. [illegible] capitulo [illegible]

Si [illegible] in aliquo [illegible]

In materia solidi [illegible] singularissima in l. si divisa C. … ubi dicitur quod in convictione plurium quibus tenentur pro parte, nisi quilibet se obligaverit in solidum et tunc solvens solidum petere potest, ut contra alios sibi cedantur actiones

[illegible]

[illegible] alligant
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

De executione rei iudicatae [illegible]

Post iudicatum [illegible] indicatur [illegible] contra eundem, ab eodem, vel a successore lato, ipso iure non [illegible] post sententiam [illegible] omni [illegible] contrario [illegible] ditur non aliquis [illegible] ad ipsum [illegible]

Res iudicata [illegible] transigitur [illegible] causa cognita [illegible] transact

[illegible]

Fol. 40… [illegible] iraam citatur [illegible]

[illegible] fol. 460

[illegible] Tomo [illegible] tractatus [illegible]

[illegible]

[illegible] fol. 195

[illegible]

[illegible]

[illegible]
[illegible]

di tra[illegible]

[illegible]

[illegible] insiurandum.

[illegible]

[illegible] tractantur [illegible]

[illegible]

de tractatu

de iudicio

[illegible] unniter testitis. [illegible]
[illegible] quilibi omnes

Singularis / Testes plures singulares minus probant quam unus solus idem dicens. 310. num. 7. et quanto [illegible] in [illegible] de [illegible] in comm. opin. in verbo testis Fol. [illegible] [illegible] 27.
[illegible] probent idem [illegible]

321. num. 7. et qualiter intelligantur vide Rom. Singul. 746. et Boll. de oppo. contra testes Fol. 253. num. 42. [illegible]

Unicus / Testi unico deponenti de facto proprio quod ipse fecit ~~deponenti~~ non creditur comm. op. in verb. testis Fol. 417. n. 24.

[illegible] / Testes domestici et [illegible] admittuntur in privatis in que in domo fiunt et que sunt difficilis probationis Scorquinat in Tract. de Usur. Fol. 238. num. 85. Addi Menoch. de Arbitrar. ind. quaest. 73. num. 52. Fol. 40.

[illegible]icus malam rationem [illegible] dicti reddentibus non creditur, nec statuto tamen [illegible] aut consuetudine [illegible] cum creditur Menoch. de Arbitr. ind. q. xxv. n. 4. et 5. Fol. 19

Falsus / Testi in una parte substantiali falsum deponenti in aliis [illegible] creditur, nec Princeps [illegible] potest ut credatur eidem. [illegible] Adde quae docte scribuntur in verbo testis in comm: opin: Fol. 418. A.

[illegible]ratus / Quanta praestetur fides testibus absque iuramento [illegible] iuramentum [illegible] [illegible] sit iuris divini [illegible]
[illegible] iuratis testi[illegible]
[illegible] F[illegible]

[illegible]

[illegible] ad [illegible] diatur [illegible]
[illegible] num. 2. [illegible]

[illegible] num. 21.

[illegible]

[illegible] memoria turbata [illegible] num. 57 [illegible]

[illegible] quae notat [illegible] num. 57 [illegible] 2 [illegible]
[illegible] possessione [illegible]
[illegible] etiam
[illegible]

[illegible] in [illegible]
[illegible] num. 20. [illegible]

[illegible] [illegible] [illegible]

[illegible] of [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]10 [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 28.

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] ... Paul[illegible] ... [illegible]

Qui [illegible] in [illegible] ... [illegible]

[illegible]

[illegible]

[illegible]

S[illegible]

[illegible] 555 [illegible]

Simulatio [illegible] XI [illegible]
[illegible]

) [illegible] optima [illegible] ratione [illegible]

2 [illegible] simulata [illegible]

[illegible]

Dum dicunt doctores post conclusum in causa nihil novari posse, intelligi. nihil de iure partis quod consistat in instrumentis aut alijs actitatis, secus si consistat in iure [illegible]: Rota Rom. cons. 176. num. 6. cons. 20. num. 2. cons. 545. num. 7. de quo vide Rot. cons. 52. num. 4. et num. 12. lib. 4. praedicta autem regula, quod post conclusionem in causa non admittantur amplius probationes, firmatur in c. auditis de [illegible] in integr. rest. in cap: cum dilectus [illegible] [illegible] singularis valde omnia [illegible] etiam [illegible] [illegible] causa

[illegible]

[illegible]

[illegible]

De iure communi, bona intestatorum [illegible] communiter inter filios et filias dividuntur [illegible]: [illegible] in l. [illegible] [illegible]. Sed in Patria nostra habemus Statuta in contrarium.

Materiam testati, et intestati vide Abunde ac singulariter Tractatam per Covarruviam in titulo de test. Tomo primo Fol. i. et Fol. iiij

[illegible], scilicet post se avo paterno, et avo materno [illegible] [illegible] de linea materna succedit A[illegible], in procedentis de linea paterna, Avus pater[illegible] ceteris vero bonis succedunt aequaliter, ut [illegible] communis [illegible] cum Bar: secundum Alexandrum in cons. [illegible] vol. –

Feudum autem avitum et paternum vadit ad agnatos iuxta ordinationem [illegible]

[illegible]uia paterna praefertur in bonis paternis
et materna in bonis maternis et in [illegible]
[illegible] in [illegible] 16. num. 4. fin. est
de [illegible] paterno, et materno singulari,
in [illegible] quod sitis [illegible] quae [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Vide Almatinam [illegible]
C. communi [illegible] ex proposito.

Divisiones

Divisiones in casu [illegible]

[illegible] inter fratres, quando [illegible] societas [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] potuit, [illegible] dum [illegible] et demum quae societas dicatur contracta inter fratres [illegible] in cons. 308. [illegible] [illegible] non cons. [illegible] ubi [illegible], et quomodo [illegible] et post societatem divisiones [illegible] debeant, quibus [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible] quando admittetur [illegible]
[illegible]
[illegible]
[illegible]

[illegible] maior [illegible]
in praeiudicium minoris [illegible]
[illegible] pater maior [illegible] patrimonio
[illegible]
[illegible]

Dixit

debita contracta p[er] unu[m] ex filiis communem
hereditatem possidentibus, no[n] veniunt in commun[em]
[illegible] bar. in l. [illegible] [illegible]
Heredis: concordat l. ~~[illegible]~~ si probatu[m] fuerit
C. communi divid.
[illegible]

[illegible]

[illegible]

[illegible] Sirleban [illegible]
[illegible] extrait [illegible]
[illegible] 26 Fe [illegible] 182[illegible] [illegible]
[illegible]

[illegible]
[illegible]

[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] facta [illegible]

[illegible]

Item ab initio instrumentum [illegible] [illegible] Geminianus in cons. 28. num. 1. Fol. 12

Item [illegible]

[illegible]

[illegible]
[illegible]

[illegible]

Tertio, si liceat tenebam usuri debitum non probat sibi proximum alliceat quamvis [illegible] in congregatione [illegible] in Can. 12 num. 6. in 2a par.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
et [illegible]
[illegible]
[illegible]

Pensio Fructus.

Ius conveniendi, sive pretium ... dicitur

... quodsi fuit pretium ... ...

Quodsi convenit ... ut ... quandocumque ...

Vide ... ... 6.

Praescriptionem XXX annorum ...

... in ... ... iurum.

... ...

trent virtute pacti de retrovendendo quandocumque
non submovetur praescriptione XXX annorum
contractus ...
idem Fr 818. 9

Quando locus non sit retractui vide p Tiraquelli
fo. 33. num. 75

Quando permutatio dicatur facta in fraudem ...
de ~~vicini~~ Agnati, et Vicini, et ... non
videre.

... ... iusta ...
praefertur in emptione ille qui ... tantum ius sanguinis ...
... xi. num ...

... ... facta diversis personis ...
singulis rebus venditis et ... ...
quod ...
et quando ... providat
et ... ... vide aliqua ... similia
ut limitati... regula in venditione ...
... ... responso
resp. i. num. i. ii. 20. et 37.

... domus ... ... Sosii
vel certi domus cuiusdam vicini, ...
... cuiuscumque domini ... ...
dominus ... ...

... ...
Gabit ... ...
... dictū
... ...
... ...
congrui dictā domū
... ...
... ...

Primum [illegible]

[illegible]

[illegible]

[illegible] Restitutio

[illegible]

[illegible] Fol.

Restitutio in integrum an sit concedenda [illegible] [illegible] decis. [illegible] num. [illegible]

Restitutio in integrum an [illegible] [illegible] num.

Regulariter contra impeditum impedimento facti currit [illegible], tamen si [illegible] sit [illegible] restitutio in alias [illegible] titulo de [illegible] uxoribus Fol. [illegible] [illegible]

[illegible]

[illegible]

[illegible] aliquem de dominio alicuius [illegible]
[illegible] cc[illegible] [illegible]

[illegible] quid [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in [illegible]tum [illegible] in [illegible] intimationis [illegible] 205 [illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

Religiosus puta monachus non potest praesentari a patronis ad Ecclesiam parochialem, nec institui in beneficio non regulari nisi [illegible] ex de Neno in cons. 62 num. 6

[illegible] non debent promoveri, ad beneficia non curata idem eod. cons. num. 7

[illegible]
[illegible]
[illegible] ad hanc [illegible]
[illegible]
[illegible]

[illegible] fuit [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] (2[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Legitima Fructus. Tutor

[illegible]

In [illegible] [illegible]

Fructus dotis ad maritum [illegible] ad sustinenda onera matrimonii [illegible] pro oneribus [illegible]

[illegible]

Fructus [illegible] in [illegible]

[illegible]thrax.

[illegible] ... [illegible] ... anthrax

[illegible] ... anthrax [illegible] ...

[illegible] ... anthrax. [illegible] ...

[illegible]

[illegible]

[illegible]

Bannitus

[illegible]

Bannitus quando pro alio delicto vocatur in eodem loco a quo [illegible] est an [illegible] facere debet, et quomodo se cautelam et an comparere ac quomodo. vid [illegible]
Dec. Boss: in suo tract: Crim. tit: de citat: num. 35. usque 80
fol. 76 [illegible]

[illegible]

[illegible] .27 [illegible]

Quomodo [illegible] alium [illegible] ad [illegible] in suo Tract. [illegible] 13 [illegible] 952 [illegible]

[illegible]

[illegible]

[illegible] 2 [illegible]

Homicida quod fecit [illegible] 13 [illegible]

facultate [illegible] maxime [illegible] ex [illegible]

[illegible] 70
[illegible] 71
[illegible] Tinea. in Tract. [illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible] [illegible] uatio loci [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible].
[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] Fri[illegible]
[illegible] [illegible] [illegible] [illegible] part. 4. [illegible] 35. [illegible]
[illegible] [illegible]

[illegible]natio tempore apparuit [illegible]

[illegible]

[illegible] 36 F1 : 84 [illegible]

Tinalis.

[illegible] aggravatur [illegible]

[illegible] in no tract [illegible]

[illegible]

[illegible] [illegible]

[illegible]

Index. [illegible]

[illegible] natur [illegible]

[illegible]

[illegible]

[illegible] 87

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

[illegible] [illegible] [illegible]

[illegible]

[illegible] non [illegible] inducit praesumptionem [illegible] induit praesumptionem [illegible] et [illegible] [illegible] patria [illegible]

[illegible] negationes meas pro [illegible] [illegible] in materia.

[illegible] sunt species mendaciorum, ut in quibus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pro alicuius salute, [illegible] in quibus casibus presumatur mendacium [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].)

[illegible] testamentum [illegible]

[illegible] 3 [illegible]

[illegible] Bart. Cassan. [illegible] 2.

[illegible] pecuniaria [illegible] 1.

[illegible] 2.

[illegible]

[illegible] Augusto [illegible]

[illegible] et illegitima [illegible] tamen [illegible] aut aliquo [illegible]

[illegible] in prax. [illegible]

[illegible] Grammatica 17. [illegible]

Thomas, [illegible] cuius nota, haec consilia sunt in vol. cons. Cassiani] in fine impressa, item vide Mantichani [illegible] lib 2 [illegible] num [illegible]

in Veneta / Si virgo quae defloratur, non sit honestae vitae, vel sit vilis persona stuprator non tenetur in eam dotare. [illegible]

[illegible] per totum lib. 8. [illegible] cons. 6[illegible] num. [illegible]

[illegible] num. 3. [illegible]

[illegible] num. [illegible]

Virgo praesumitur seducta a viro qui eam stupravit Mantica in tract: de conject: ultim. volunt lib 2 titulo 12 num. 2

Quid sit stuprum et an clericus possit cogi ad dotandam virginem quam corrupit, et quae sit eius poena, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Tract: crim: [illegible] in cap: 77. [illegible]

puella dicit se virginem fuisse et stuprator negat tunc in dubio praesumptio est pro virgine ita consulit Alber. velatus a Bernardo concio [illegible] de concubinar. num. 9. Clar. §§ stuprum [illegible] sub poene.

Quam dicitur puella stuprata deberi dotem, [illegible] ducatur in uxorem, intelligitur [illegible], [illegible] virginea stuprum commissum sit, alias [illegible] intelligi affectatur Paris. cons. 160 num. 14 lib. 4

[illegible]

[illegible] 22 [illegible]
[illegible] 3 [illegible] 142

[illegible] causa [illegible]
[illegible]
[illegible] executores [illegible]
[illegible] executionem [illegible]
[illegible] 12 [illegible]

[illegible] inspectatur, aut [illegible]
[illegible]

Praedium

Quale dicatur praediu[m] urbanu[m], et
praediu[m] rusticu[m] vide pap. in Rub. [illegible]
fol. 116. [illegible]
fol. 235

[illegible] et [illegible] sint [illegible] [illegible] tam [illegible] [illegible] [illegible] [illegible] inter venit pactum [illegible] [illegible] calculo [illegible] [illegible] [illegible] [illegible] communi [illegible] [illegible] [illegible] [illegible] [illegible]

Ma[illegible] [illegible] et [illegible] [illegible] [illegible]

Vide ad materiam calculorum in l. i. §. item si calculi error [illegible] qua [illegible] non appell. rescind. [illegible] sed quando error computationis [illegible] [illegible] opus appellari, nam [illegible] tha controversia cognitur [illegible] alia [illegible] ibi.

Transactio [illegible]

[illegible] partitatio cum filiis [illegible]

[illegible] Paulus [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

Centumviratus.

[illegible] graffius lib. iii Decis. cap. iiii [illegible]
277. [illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible] an et ricevuto [illegible] una pattern [illegible]
[illegible]
[illegible]

[illegible]

[illegible] inenut [illegible] ueer [illegible] [illegible] nine [illegible]
[illegible] seculum ceni [illegible] iam.

Legitimatio

De legitimatione [illegible] [illegible] commissione [illegible] data [illegible] legitimari, item de [illegible] legitimis [illegible] causa [illegible] legitimati [illegible] in materia [illegible] [illegible] 307. [illegible]

[illegible] clausula constituti quando [illegible] [illegible] impromisso quod presumatur [illegible] [illegible] [illegible] 55

Clausula [illegible]

[illegible] 12 [illegible]

Clausula [illegible]

Clausula [illegible] cons. 354 [illegible]

[illegible]

An clericus secularis admittatur ad contractum vide Tirag. in glossa viii num. 41. Fol. 123. et glossa xiii fol. 205. num. 2

An contractus factus in favorem clericorum possit revocari vide ibidem num. 33

De quibusdam iuribus clerici primae tonsurae, explicat Dial. cons. ~~446~~ num. 3. in 1. vol. i. et in cons. [illegible] n. 2. cum pluribus aliis quos enumerat et recenset Menochius [illegible] 2. titulo [illegible]

Cardinalis, non prohibetur testari [illegible] quod ei a Romano Pontifice conceditur [illegible] Cardinalitij, cum id non tribuatur ratione ali[illegible] [illegible] ipsius Cardinalis, qui ipsum Pontificem in [illegible] Concilio et in [illegible] adiuvat. Menochius [illegible] lib. 2. titulo 1. num. 3.

Facultas concessa testandi Prelato, ait [illegible] [illegible] Cardinalis [illegible] 4.

[illegible] necessaria ut de redditibus beneficiorum Eccl. possit disponere vide [illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]ictus. [illegible]

Si emptor [illegible] [illegible] pro [illegible] [illegible] [illegible]ne
[illegible] [illegible] tempore [illegible] autem
aut consanguineus redimit ante tempus [illegible]
[illegible] [illegible] id est fructus [illegible] aut e
contrario numquid [illegible] sit [illegible] [illegible]
[illegible] an vero fructum [illegible] [illegible]
Tiraq. in tract. de [illegible] § IIII. gl. V. f. [illegible]

[illegible]

[illegible] quando [illegible]
[illegible] Tisag. in tract: [illegible] retracta [illegible]
numero 75

Fraus

Fraus ex actibus dinoscuntur vide . Fran

in suo Tract. de . [illegible] Fol. 37

B

Fraus quomodo probetur vide p. Iac. in l. i. 2 ff.

C. si omissa sit Cau. ff.

Transactio facta cum [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] transactio [illegible]
[illegible] [illegible] [illegible] [illegible] transactionem [illegible]
[illegible] [illegible] alimentorum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

Transactio alimentorum facta [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible]
[illegible] alimentis [illegible] [illegible]

Transactio [illegible] [illegible] [illegible] [illegible] [illegible]
nec ad ea quae [illegible] alterius [illegible] [illegible] [illegible]
[illegible] [illegible] transactio [illegible] [illegible] [illegible]
[illegible] transact. [illegible] in eum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Transactio [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible]

[illegible]
[illegible] in [illegible]
[illegible] 4

Eatenus rescinditur transactio inita quatenus sit facta ex reperta falsorum instrumentorum [illegible] si super falso transactum sit l. si ex falsis C. de transact.

[illegible] iudicata [illegible] non rescindi(?) cabit transactio l. si causa cognita C. de transact.

-ionum rationum contra scribentem olim et pro scribente concurrentibus alijs adminiculis semiplene probant vide in P.° Tomo com. opin. in verbo instrumentum q. xxi. Fol. 549.

Consuetudine vidi ratis ut libris negotiatorum mercatorum credatur et plena fidis adhibeatur ibidem

Scriptura privata [illegible]

[illegible] probationem [illegible], scriptura privata continetur [illegible]
[illegible] ad probandum illam ab eo contra
quem producitur, scriptam vel subscriptam [illegible]
[illegible] cum [illegible] 24 X iiii q.
in [illegible] F. [illegible] 57.

Scriptura recognita ab eo contra quem producitur plene
probat [illegible] q. 24. Et si non fuerit recognita
[illegible]

[illegible]

[illegible]

In generali mandato nō venit iuramentum : questio, . . an tutor . . possit deferre

Dī rotal dec

COMPENSATIO

Quod petiit contrario iudicio potest peti in compensationem dedici
[illegible] quod autem [illegible] commodati, ibi [illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible] [illegible] dicitur commendatarius [illegible]
[illegible]

[illegible] dicitur [illegible] si [illegible] fuit [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] in [illegible] commendata fuerit commendatarius
[illegible] [illegible] [illegible] [illegible].

si res [illegible] [illegible] perdatur, accit periculo [illegible] si [illegible] non fuit in culpa mali [illegible]. Argumentum [illegible] [illegible]. § commodati

[illegible]

Successor autem [illegible] tenetur [illegible] ... [illegible] num. 738. [illegible] 12

[illegible]

Emptor tenetur stare colono ~~[illegible]~~ Fisci venditoris [illegible] Variar. resolut. [illegible] cap. 15 num. 5. [illegible]

Successor in [illegible] ~~[illegible]~~ [illegible] Sententiis [illegible] ... [illegible] Accipere [illegible] ... [illegible]

An successor universalis, vel singularis [illegible] ... [illegible]

[illegible]

Bona redempta, an [illegible] fi [illegible] vide
ad longum in summ. [illegible] tomo. i. in verbo [illegible] 23
[illegible] et an [illegible] et [illegible]
[illegible] pro suo [illegible] vel an [illegible]
[illegible] bona aurean [illegible]
[illegible] et [illegible] an
[illegible] aliena [illegible]
[illegible] et [illegible]
[illegible]

Inimici testimonium non valet in causa [illegible] [illegible] sit in [illegible] in causa [illegible] [illegible] [illegible] num. [illegible] et 23. [illegible]

Inimici testimonium in [illegible] [illegible] [illegible] ibidem num. 4. et 5

Inimici [illegible] testimonium [illegible] nec non reconciliati ibidem num. 8. et 9

Inimicitia [illegible], et in causa [illegible] [illegible] [illegible] num. 7 [illegible]

Ratihabitio.

[illegible] [illegible] quod aetatis [illegible] postquam ad [illegible] aetatem [illegible] [illegible] affirmationem. [illegible]

Cerinto

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

[illegible] in [illegible] [illegible]
[illegible] mensem [illegible] anni. [illegible]
[illegible] in [illegible]

[illegible]

[illegible]

Sla

Fur. [illegible]

Matrimonium contrahen[illegible] [illegible] [illegible] non valent
Vide in summ. spin. in verb. Matrimonium [illegible] fol.
92. A.

[illegible]

[illegible] in ma[illegible]
[illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

occupanda quo [illegible] et unde [illegible] [illegible]
[illegible] Arbit. inc. [illegible] in 97. num. 2.
[illegible]

[illegible]

De rustico, et [illegible] rusticos [illegible]
[illegible] rustificantur [illegible]
[illegible] quaest. 4 [illegible]

An omnes sint [illegible] [illegible] necessarium [illegible] in [illegible]
[illegible].

De inditijs.

Iuramenta contra cap. intelleximus vide fol. [illegible] eodem cap n° 7[illegible]

Tractatus Brunonis [illegible]

[illegible] est propter misericordiam [illegible] et [illegible] quam [illegible]
1671

Laudim[illegible]
Valias [illegible]
occaõ [illegible]
ou sa[illegible]

Laudimium

Laudimium quando, et ex quibus contractibus debeatur et quando non et plures alias questiones de materia laudemii vide Ant. Fabr. de error. pragmat. decad. 95. et seqq. usque ad dec. 200. error. 6., incipit fol. 669 usque ad 972 [illegible] eiu parte 2.

LVCRVM

Quando quis [illegible] quirit q[uod] est [illegible] debitum dicitur lucrari [illegible] indicatus sicut et eo qui lucratur l. si emancipata C. de [illegible] et [illegible] ignor. et ibi Bar. n. 3. ubi [illegible] addi[illegible] [illegible] legis [illegible] [illegible] Vid. Rom. Cons. cxxv. Arett. Cons. ii. et xvii Alex. cons. xvii vol. iii et cons. ci. col. i. [illegible] ubi dicit q[uod] titulus [illegible] dicitur lucrativus et Rom. Socin. Cons. [illegible] ubi pulchre [illegible]

ABSENTIA

[illegible] ex [illegible] [illegible] [illegible] in [illegible] ex propria [illegible] [illegible] tutela

[illegible] [illegible] sententia [illegible] [illegible] [illegible] sententia [illegible] ex propria [illegible]

Absens [illegible] intelligitur [illegible] [illegible] [illegible] num. 10. [illegible] in titulo [illegible] materia tractat

[illegible] sententia [illegible] [illegible]

[illegible] [illegible] [illegible]

Excep[illegible] [illegible]

[illegible]

[illegible]

Absen[illegible] [illegible]

INCIDENS. ACCESSIO. ACCESSORIU. PRINCIPALE.

[illegible] sententia lata in principali causa [illegible] vindicati in accessoriis [illegible] in [illegible] indic: [illegible] n. 3.

Incidentia [illegible] incidunt Petrus Foll. in sua Prac: Crim: in p. parte [illegible] [illegible] n. 97. ad fin

Si [illegible] principali [illegible] accessorium [illegible] [illegible] est [illegible] [illegible] in quo [illegible] intestatu [illegible] principali [illegible] tollatur. not. [illegible] in [illegible] [illegible] [illegible] ianuar: [illegible]

[illegible] in accessoriis [illegible] [illegible] [illegible] pecunia [illegible]

Si [illegible] in principali [illegible] et accessoriis [illegible] [illegible] lerato et [illegible] [illegible] postea [illegible]

Castrũ si quis [illegible] nemo [illegible] ædificare [illegible] potest [illegible] in [illegible] [illegible] in [illegible] novum opus [illegible]

[illegible] vel tutores debent reficere ædificia minorum [illegible] [illegible] [illegible] glos. in [illegible] creatione, in l. [illegible] tutores C. de adm: Tuto: vel cur:

[illegible] in ea [illegible] ædificia [illegible]
[illegible] C. [illegible]

[illegible]

[illegible] canone tamen [illegible] meliorata [illegible]
[illegible] n. 25 [illegible]
[illegible] vult [illegible] et [illegible]
[illegible] n. 24 et 30 [illegible] possit expelli [illegible]
[illegible] n. [illegible]
ubi plene

Fundatur [illegible] meliorament[a] [illegible] n. 25
in [illegible]

Palli[illegible] finita Emphiteusi [illegible], meliorament[a] [illegible]

ACCVSATIO

[illegible] in loco [illegible] accusatoris [illegible] vel [illegible] agent.

[illegible] potest [illegible] in eodem [illegible] ~~[illegible]~~ solvunt etiam [illegible] [illegible] et [illegible] in [illegible] ord. iud. num. et usque ad num. 7

[illegible] crimine adulterii nemo potest masculum et feminam simul accusare. not: [illegible] in l. [illegible] ad legem Iul: de Adult: et vide [illegible] in Sum. C. [illegible] ord: iud: n. 6. et ab adultero est [illegible] [illegible] in d. l. [illegible]

Duabus accusationibus [illegible], semper proceditur super maiori, et quae maior [illegible] in XX iud: dist: n. 6.

[illegible] instantia [illegible] accusatio [illegible] n. 48

[illegible] contra praelatos [illegible] accusatio [illegible] cap. qualiter et quando [illegible] medium [illegible]

[illegible] non potest, [illegible] inquiri contra aliquem [illegible] n. 4 [illegible]

A[illegible] de aliquo crimine si fuit legitime absolutus, vel condemnatus, non potest de novo [illegible] sententia esset lata [illegible] ibid: n. 50. [illegible] et alias limit: ibid. sequentes, nec potest [illegible] institutam accusari sed ab ignorante ibid. n. 54. [illegible] potest de novo [illegible] Et quomodo [illegible]

[illegible] non potest [illegible] accusari [illegible] est de [illegible] n. 13 [illegible]

[illegible] probatur quod aliquis ignoraverit vel sciverit, aliquem accusatum fuisse ad [illegible] non potest de novo accusari [illegible] n. 54

Transigens super accusatione, non potest de novo accusari, [illegible] item non praeiudicat [illegible] in secunda par. secunda par. [illegible]

ACCVSATIO

[illegible] remittens iniuriam post accusationem per transactionem [illegible] modo [illegible] debet praeiudicari pro consanguineo accusare volenti, cum iniuria facta [illegible] facta [illegible] familia ipsius vid. Spec. Mar. in VI. [illegible] n. 58 [illegible] ut possit accusare criminaliter [illegible] secus ciuiliter ibid. n.o 60 fallit in patre [illegible] tente iniuriam, qui excludit alios filios, ab agendo pro fratre ibid. n. 103

[illegible]nsanguineus non potest accusare ciuiliter offendentem consanguineum suum se[illegible] [cr]iminaliter. fallit tamen in patre et in marito, vid. plene in Spec: marante in VI, [illegible] num: 60. et q. idem in fratre ibid. num [illegible] et usque [illegible] num [illegible] consanguinei admit[illegible] [illegible] ad accusationem vid. ibid. num 62 ubi dicit qui admittuntur [illegible] [illegible] quomodo formetur libellus hoc casu vid: ibid. num. [illegible] et melius [illegible] gradu [illegible] admittuntur [illegible] num. 72.

Accusator colludens cum accusato praevaricatur, qua [illegible] et quomodo collusio probetur et ut [illegible] [illegible] [illegible] [illegible] ibid. num [illegible]

Quilibet potest accusare de iniuria facta contra diuinam maiestatem [illegible] et [illegible] [illegible]

Accusator non [illegible] [illegible] a praesumpta calumnia [illegible] in VI [illegible] num: 159. ubi allegat [illegible] [illegible]

Quando tempore praescribatur accusatio criminalis et aliis [illegible] [illegible] in p.a parte [illegible] parte [illegible] Rib.a [illegible] numero 7 [illegible] [illegible] 23 [illegible]

[illegible]

[illegible]

[illegible]

ACCVSATIO

[illegible] potest accusari [illegible] Petr. Fol. in sua prac: crim. [illegible]
[illegible] n. 12 et 21 [illegible] idem in [illegible] licet habere [illegible]
[illegible] et [illegible] pactu cu [illegible] ibid num. [illegible]

[illegible] nemo potest accusari [illegible] in [illegible] qui potuerat accusari [illegible]
[illegible] Petr. Fol. in sua prac. crim. [illegible] sub [illegible]
[illegible] num. 27 cu seq. [illegible] renuntians accusationi, nō potest [illegible]
accusationē, secus si [illegible] tacite renuntiat, [illegible] ibid. num. [illegible]

[illegible] accusationis [illegible] Petr. Fol. in sua prac. crim. [illegible]
sub [illegible] Angelu [illegible] in trac. de [illegible]
[illegible] in sequenti [illegible]

[illegible] potest accusari [illegible] Petr. Fol. in sua prac. crim. [illegible]
[illegible] fuit [illegible] 17.

Libertus nō potest accusari [illegible] patronu [illegible]
[illegible] fuerint:

[illegible] accusatio [illegible] accusator [illegible]
[illegible] xxvii num. [illegible] quia [illegible]
[illegible] in sec.a par. [illegible] sub [illegible]

[illegible] opposita [illegible] qualitati [illegible]
[illegible] tati [illegible] par. [illegible] num. 4. [illegible] accusationi opposita [illegible] qualitati [illegible]
[illegible]

Vide [illegible]

Accusans [illegible] probationibus [illegible] falsi [illegible]

Accusator tenetur [illegible] accusationē [illegible]
[illegible] indubitata [illegible]

[illegible] potest accusa[illegible]
[illegible]

[illegible] publica accusatio, [illegible] ante presenta [illegible]
[illegible]

ACCVSATIO

[illegible] tutela vel curationis accusatio est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tutela [illegible] in libro [illegible] et paterno contubernio [illegible] tut. vel curat. [illegible]

ACQVISITIO

[illegible] quicquid [illegible] acquisitum censetur [illegible] in [illegible]

[illegible] acquisitio [illegible] [illegible]

Per procuratorem acquiruntur nobis actiones [illegible] per quem [illegible] aliena potestate [illegible]

[illegible] pecunia, et [illegible] pecunia acquisita sunt [illegible] hypothecaria sive actione [illegible] antiam [illegible]

[illegible] intelligit acquisitum [illegible] quando pers. nob. acquir. [illegible] in [illegible]

Acquisita per servos dotales, idest aestimatos extra [illegible] et extra [illegible] mariti [illegible] item, et [illegible] debent à marito uxori [illegible] unica in [illegible] uxore.

Vxor quicquid acquirit constante matrimonio praesumitur acquisiuisse [illegible] à marito [illegible]

[illegible] donat inter vir. et vxor.

[illegible] an tutela

[illegible]

ACTIO. REI VINDICATIO.

Pro dote repetenda [illegible] actio [illegible] constituta [illegible] quando [illegible] actio [illegible] patri et quid in dote [illegible] vid. plene [illegible] Rub.ª [illegible] et Vnufr: in verb. [illegible] incip. num. [illegible] actio est communis patri et filiae, si pater solus exigit dotem [illegible] secundum [illegible] C. [illegible] Matrim.

Actio [illegible] dotis [illegible] extra maritum [illegible] ad moriam [illegible] [illegible] n° 22 [illegible] dotis, quia tunc nō constat exactio papillis: ibid: num: 23

[illegible] actio ad heredes regulariter [illegible] duobus casibus vid. Glo. in verb. lis contestata, in l. unica in [illegible] et hoc [illegible]

Condictio certi generalis datur ad omnia certa, vid. Glo. fin in l. pª [illegible] unucuntis [illegible]

Vtilis actio nō nascitur [illegible] [illegible] non accommodat. vid. Glo. fin. in l. [illegible] C. de pactis conuent: [illegible] datur in quantitatis [illegible]

[illegible]

[illegible] vid. Bart: in l. pater [illegible] filia [illegible] pact: conuent [illegible]

[illegible] perit [illegible]

[illegible] certa [illegible] vsuris [illegible] vtilitatem [illegible] omnia bona [illegible] obligata [illegible] adhibita [illegible]

[illegible]

A[illegible]TIO REI [illegible]NDI[illegible]

[illegible] quae pater vel mater, [illegible] ad [illegible] [illegible], si extant si vero consumpta sunt, [illegible] ut dos [illegible] et similia. generaliter [illegible] [illegible] [illegible] in [illegible] in [illegible] [illegible] [illegible] talis [illegible] [illegible] [illegible] alieni [illegible] [illegible] successio [illegible] [illegible] matrimonio [illegible] [illegible] [illegible] nuptias, sive [illegible] [illegible] tamen [illegible] [illegible] [illegible] [illegible]

[illegible]

Pro [illegible] [illegible] petit actio [illegible] [illegible] pater [illegible] [illegible] exulsione

Pro dotali fundo aestimato [illegible] competit actio ex [illegible] [illegible] fundi dotalis aestimati, competit actio mulieri ex stipulatu [illegible] autem [illegible] [illegible]

[illegible] uno eodemque contractu, [illegible] [illegible] actio ex [illegible] [illegible] [illegible] dotis.

Testator potest [illegible] heredem suum: ne actione ad ipsum heredem pertinente agat [illegible] [illegible] actionem [illegible] [illegible] dotis.

Notabilis fundus sive aestimatus sive inaestimatus [illegible] [illegible] mulier [illegible] [illegible] [illegible] voluntas [illegible]

[illegible] actio [illegible]

[illegible]

ACTIO REI VINDICATIO

[illegible] competit actio ex stipulatu [illegible] stipulatio [illegible] [illegible] [illegible] prohibitum, [illegible] nov. acti [illegible] [illegible] in actionem [illegible] unica [illegible] sed et [illegible] [illegible] quando [illegible] ratione nullitatis [illegible] [illegible] [illegible] 1605. quaest. n. 81

Actio ex stipulatu [illegible] transmittitur ad haeredes, vide [illegible] in l. unica in [illegible] manat [illegible] nov. acti [illegible] stipulatio [illegible] [illegible] cad. l.

De negatoria actione [illegible] in [illegible] [illegible]

[illegible] actio [illegible] qui [illegible] [illegible] negatio [illegible] [illegible] negatio [illegible]

Pro rebus donatis a [illegible] [illegible] actio competat vid. [illegible] in l. unica in [illegible] [illegible]

Mandati actio competit quando quis de voluntate domini fecit aliquas [illegible] [illegible] mandatum [illegible] voluntas domini [illegible] et utilitas [illegible] gestorum l. unica [illegible] tacet [illegible] sed [illegible]

De negotijs gestis actio competit quando sine voluntate domini [illegible] [illegible] sed [illegible]

Quomodo plures actiones [illegible] poterit proponi [illegible] unum, et quando [illegible] tollat aliam, et quo ordine sint proponendae in libello [illegible] vide l. [illegible] Lege [illegible]

[illegible]

Et [illegible] apposita [illegible] [illegible] [illegible]
[illegible] S [illegible] publicus [illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible] X [illegible]
[illegible] petitio [illegible]

[illegible] [illegible] actio [illegible]
[illegible] ad [illegible]

[illegible] actio [illegible] [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible]
[illegible] actio

[illegible] [illegible] de
[illegible] [illegible]

[illegible] [illegible]
[illegible] [illegible]

[illegible]

Ea q advocati [illegible] causa [illegible]
[illegible] litis [illegible]
[illegible] ad [illegible] tuo
Advocatus petit [illegible]
advocat. q tamen [illegible] libro [illegible]
[illegible] de iudicii [illegible] tamen [illegible]
[illegible] la intra [illegible]

ADOLESCENS

Tres pessimi sunt rationes, quibus ad [illegible] delicto sunt puniendi. quas [illegible] [illegible] [illegible] in l. de poenis legis semper causa septima partis

[illegible]

[illegible] tuti [illegible] [illegible]

Alimenta [illegible] viri relicta [illegible] sunt arbitraria [illegible] boni viri arbitrio sunt relicta. [illegible] [illegible] unus [illegible] ff. de alim. et cib. leg.

Si a testatore alimenta alicui relinquuntur, nec apparet quid testator senserit, hoc est ad quod usque tempus ea praestari voluit, per totum vitae tempus debent. Si autem usque ad pubertatem relinquuntur, pueris ad 14. annum usque puellis ad 12. debentur. Et hic pubertas extenditur quo ad alimentorum [illegible] alias, generaliter pubertas aliter diffinatur, scilicet in masculo ad 14 ann. usque in foemina ad 12 [illegible] [illegible] ff. de alim. et cib. leg. Si vero alimenta [illegible] praestabat ea donec praestabunt quo [illegible] tempore praestare soliti sunt, et hic omnino notandum eam praestationem separandam [illegible] [illegible]

Si in aliquo testamento minus valido, ratione [illegible] relinquuntur alimenta et deinde a [illegible] testamentum non valere, [illegible] [illegible] [illegible] de cetero praestari et [illegible] alimentorum [illegible] specialis sit in alimentis. [illegible]

[illegible] subiectum [illegible] [illegible] n.o p.o [illegible].

[illegible]

[illegible]

[illegible] chanticam [illegible]
[illegible] Amicus. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Appellatione interposita, a iudice licet ho: repudiata, in praeiudicium deliberationis nihil fieri debere, et in eo statu omnia esse quo tempore pronuntiationis fuerunt appellatione constituta dit. [illegible] ita legimus [illegible] in appellatione [illegible] C. de appell.

Appellans debet docere se intra decem dies appellasse. Tiraq. de retracta lignagier § i. Glos. xvii Fol. 338 num. 8

[illegible]

A

Arrae matrimonio secuto ad dantem revertuntur, eo vero eius culpa non secuto, sua causa amittuntur. Covar: in p.o Tomo super 4.o Lib. decret: [illegible] et Matr. cap. 3. §. septimo num. 11. [illegible] Ubi materia tractatur ad plenum.

[illegible]

[illegible]

22 [illegible] G.

Adde que habentur in .1. [illegible] communium opin.
in verba capitulum [illegible] ubi [illegible]

[illegible]

[illegible] ficatus [illegible] tructus [illegible] [illegible] corp[illegible]

[illegible] [illegible] in [illegible]

et [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Qualiter tenetur [illegible] [illegible] vide Rem: Cons. cccc xxv. ~~[illegible]~~ etiam an [illegible] dicatur casus fortuitus.

[illegible]

Chirographo cancellato, licet debitor presumptive liberatus videatur, in eam tamen quantitatem quam manifestis probationibus creditor sibi deberi ostendit, recte debitor convenitur. l si Chirographum cancellatum fuerit ff de fide instr:

Q[illegible] causi [illegible] validarant aut [illegible] ledi pi sunt partes presentes, vel ~~nō~~ legitime citata sunt ap [illegible]. [illegible] sub Rub.ª Fer. Respons. [illegible] in prin. n. 2. H. 79.

In casibus in quibus pars est citanda si ea absente ~~[illegible]~~ index fecit aliun actū, ꝙ illum ad quem erat citanda nunquid actus ille valebit verbi g. citatus fuit ad videndum iurari testes et ipsi produxit instrumenta, positiones, vel capitula dic quod talis actus nullus est ipso iure tanꝙ gestus parte nō citata l. aut qui aliter et sequitur ꝑ [illegible] ff quod vi aut clam. Addi Ioan. de Imo. cons. xcvii. et an citatio debeat continere causam, vide Rapha. cuma. cons. Lxxvii. et vide paldri ꝑ Roma. consi. ccvii et de citatione ad unū actū quando valeat ad alium vid ꝑ Alex: in cons: ccxiiii in ii volu:

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Clericus utitur [illegible] tractus in [illegible] [illegible], et admittitur ex [illegible] in concordantiae. ita Tiraq. in suis commentariis in utroque retracte in Glo. viii n.° 41. per totum [illegible] num. 129.

[illegible]

[illegible]

Dignitates maiores, uti episcopatus, et aliae, conferri intra sex
menses debent, et confirmari Gl: in cap: 2 . de concess: praeb: in
verbo intra sex menses circa fi. quae citat cap: ne pro defectu
de Elect: Rebuffus in Tract: nov benef: tit: de devolutionibus
num. 1. Fol. 183. Abb: in c. nulla Eccl.a de concess: praeb. num. 6.

Aliae vero dignitates inferiores, et quaelibet beneficia [illegible]
debent conferri intra sex menses, tam a primo collatore quam
ab alio, papae vero non est aliquod tempus praefixum, cum non
habeat superiorem qui possit eius negligentiam [illegible]
idem Rebuff: loco, et num. ac fol. supra citato. et est text: [illegible]
in d. c. 2. de concess: praeb.

Et quando currere incipiat collatoribus dictum tempus sex
mensium vide per Gl. alibi citatam ac per eundem Rebuf: in [illegible]
num. 4.

Intra quantum tempus debeat executor [illegible] conferre beneficia
et an ei currat tempus vide bonam Gl: in c. si de beneficio de
praeb. et consilium xxxiii in antecedenti [illegible] titulo
de praeb. et concessionibus praeb. Fol. mihi 29. [illegible]

ius instituendi praesentatum, vel confirmandi electum
an transeat ad alium si episcopus est negligens Abb
in c. nulla Ecclesia [illegible] num. 12 de concess: praeb:

[illegible]

Fructus sequestri

Fructus coloni qui litigat cum domino suo pendente sequestrari nequeunt. Pap. in Rub.a For. Iniun. seu supra. Fo. 124. B

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Conatus.

Si sit statutum quod ille qui conatus est committere adulterium puniatur capite, et quidam attentavit, quia tamen ipsa mulier clamavit, ille aufugit, quaeritur an sit decapitandus, [illegible] [illegible] patria puniendus, [illegible] recte dixi quomodo [illegible] vide Decal. cons. 356. vol. 1. per totum.

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] Cap. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
4°. 5° et [illegible] 20. [illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

Positiones,

Contumax in non respondendo positionibus habetur pro confesso
c. ii de confess: li. vi. et in l. de etate in § qui tacuit ff de
inter: act: Adde q requirantur ad hoc ut non respondens
positionibus habeatur pro confesso Ang. cons. cxxxvi. et an
confessio positionis cui die non respondente non erat revocat
confitenti per ab. cons. cxviii. et an respondens petitionem
petit illam revocari p cal. cons. iii de conte. pap. in prca.
sub R^a. Forma Resp: rei vers. in termino sibi assignato
h°. i cer. pr:

[illegible]. A. [illegible] 315.

Licitū et [illegible] l. Si cura. in pr. # ut. [illegible] di [illegible] (interlinear: # dinur:)
malef: vers. et dictus Titius [illegible] n. 4.

[illegible]

[illegible]

[illegible]

Contractus [illegible] [illegible] [illegible] [illegible]
in [illegible] loco, quam [illegible] [illegible] l. conditiones
C. [illegible] contract. [illegible] [illegible]

Contractus [illegible] ¶ an [illegible] [illegible] illum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

TUTOR.

Rem pupilli [illegible] tutor [illegible] si emptor pretium non [illegible] et [illegible] pretium [illegible] in utilitatem pupilli convertit, et [illegible] animalia [illegible] qui [illegible] pupillus [illegible] non [illegible] enim in [illegible] tamen bona fide fuerit, et pecunia in [illegible] fuerit [illegible] quid autem [illegible] [illegible] retinuerit, an [illegible] et [illegible] vide in [illegible] d. l. tutor [illegible] [illegible] Adm. et per. tut. [illegible] l. [illegible] super [illegible] comparare [illegible] de [illegible] [illegible].

[illegible] et de mobilibus, immobilia enim [illegible] [illegible] emptione palam fieri debet [illegible] plures enim sint [illegible] comparare, et [illegible] emptione [illegible] contrah[illegible] [illegible].

Tutor sua auctoritate potest se obligare pupillo, [illegible] pupillum [illegible] mutuatur pecuniam a pupillo [illegible]
[illegible]

[illegible]

[illegible]

Circa damnum quod a bestiis, generis cuiuscumque, in alterius fundis [illegible]
datur. Et quando ad damnum reficiendum quando non teneamur
vide [illegible] et [illegible] Ang. Aret. in tractatu suo de Maleficiis
sub rubrica de damno dato fol. 27 [illegible] et circa [illegible]
notabilissima quaeque.

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]

Intimi [illegible] dicitur res in [illegible]
[illegible]
40. ubi [illegible] vol. 4.

[illegible] [illegible] [illegible]

Divortiu[m] quo ad [illegible] [illegible] in cala-
-[illegible] [illegible] et an si culpa mulieris fiat
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] sacramentalis et spiritualis
[illegible] [illegible] cap. VII. [illegible] quinto et sexto
[illegible] [illegible].

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Donatio [illegible]
[illegible] [illegible] [illegible]
C. [illegible] [illegible]

[illegible]

Quan[illegible] [illegible] in separatione [illegible]
[illegible] in suo Epitome
[illegible] 4.° [illegible] in 2.a parte [illegible] vii
[illegible] 6.° [illegible]

[illegible] potest [illegible]

[illegible] vi

[illegible] in ius privati succedit, privati iure utitur, ita in terminis Covarruvias in libro suo relectionum, in titulo de test. capite pr.º n.º 14, et sequenti ubi contrariam opinionem refutat et solvit [illegible]
Fol: mihi 27.

Ecclesiam, laicorum statutis ligari, vide decisive per Tiraq. in suis commentar: de utroque retractu §. 1. xiiii sub verbo acceptuer n.º 2.º quorum [illegible] [illegible], Fol. mihi. 282. et Boerium in 2.º vol: decisionum decis. ccxxxi n.º 2.º qui in terminis dicit [illegible] tenere afflict: in tract: prothomi [illegible]. ix in pr: col. iiii. [illegible] quaero ubi plurima videre poteris.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Emancipatio ex quibus [illegible] tuis [illegible] [illegible]

[illegible]

[illegible]

[illegible]

Emptionis et venditionis substantia est consensus. l. 2. C. de contrah: emp. et vend.

Si sub ficto et simulato nomine venditionis, fiat donatio valet donatio ipsa nec potest rescindi, propter simulationem venditionis, tenetur donatarius tamen [illegible] conditiones in ea existentes observare. l. si donationis causa C. de contrah: emp. et vend.

[illegible]

[illegible]

[illegible]

[illegible] ib. [illegible]

[illegible]

[illegible]

tit: [illegible] sanctissimus [illegible] autem [illegible] in

eminenti specula [illegible]

de mi. ca. lib. [illegible]

in tit: [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

À sententia excommunicationis an appellari possit vide Ange. in tract: malef: in verbo presente d. [illegible] vers. et decaementi, ac vers: seq. Fol. 159

1570

[illegible]

[illegible]

Quibus ex causis propter quas debeant filij parentes exheredari aut praeteriri vide in § sancimus cum ibi not: in aut. ut cum de appellat. cognos.

An iuvat filij ~~[illegible]~~ Exheredare vel praeterire parentes suos vide Iulium Clarum in suo lib. sententiarum iij. de testamentis Quaest: 48. [illegible] titulo [illegible] 56. tempo.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] est quod [illegible].
[illegible] subito carmine concludens [illegible]. Vide [illegible]
in [illegible]

[illegible]
Dec. in cons. CCXCV n° 2° [illegible]

Ad probandum famam tria praecipue requiruntur quae sunt singularia et scitu digna. vide illa in p° Tomo com. opin. in verbo fama. [illegible]

Fama quomodo probetur [illegible] natura [illegible] vide Decian cons. 98 numero 15 [illegible]

[illegible]

Quando plures succedunt in feudo, vel iure hereditario, vel alio iure, tunc succedunt, et veniunt in capita, vel in stirpes Alex: de nevo. cons. 63 num. 3. ubi videbis quando quis dicatur succedere iure hereditario, vel alio iure

[illegible]

[illegible] ... illa [illegible] tradita vasallo [illegible] ... cons. 81 ... [illegible]

[illegible] ... et [illegible] non praesumitur feudum nisi probetur, quia [illegible] ... in dicto Tomo cons: 00: in [illegible]

[illegible]. Brunus in suo cons. 80. num. 0

In casu in quo non sunt bona nisi feudalia, potest [illegible] feudum, imo et ipsas proprietates rerum feudalium, usque ad summam dotium, affirmat Brunus in cons. 89. num. 9. [illegible]

Feudum avitum, et paternum, vadit ad agnatos, nulla ordinatione defuncti obstante Ruel. cons. 351 vol. 1. num. 1:

Feudum [illegible] antiquum nobatur per [illegible] ibidem num. [illegible] ac ali [illegible] explicata

Feudum

De feudo an possit fieri compromissum Bal. ... 30... num. 2. col. i.

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

F[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]

[illegible]
[illegible]
[illegible]

Coniuges.

Causa [illegible] vel matrimonii vel separationis ~~thori~~ [illegible] ad iudicem Ecclesiasticum, et non ad secularem pertinet. De haeresi [illegible] administratio [illegible] [illegible] [illegible] est comm: [illegible] [illegible] [illegible]

[illegible] in causa [illegible] [illegible] [illegible] [illegible] commendanda

In [illegible] communibus gratia [illegible]
[illegible] in gratiarum [illegible]
[illegible]natio ✕

[illegible]

Inven. in eod. G. ... tenere ...
Idem in 2a parte in seque. fo. 122 B

[illegible] [illegible] nullum habet [illegible] [illegible]
[illegible] potest [illegible] [illegible] [illegible] et tempore [illegible]
[illegible] l. 2. C. de [illegible] [illegible] et [illegible] et [illegible]
[illegible] [illegible]

[illegible] an dicatur [illegible] [illegible] Rom: MS. cccc xxi.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Solutio census [illegible]

[illegible]

[illegible]

[illegible] tempore [illegible]

[illegible]

[illegible]

Quibuscunque [illegible] contract[illegible] de [illegible], hypotheca contrahi[tur]
et in hypotheca generali veniunt praesentia et futura [illegible]
[illegible] quae [illegible] pignori [illegible] est in venditione, legato, et donatione
in [illegible] societati tamen ut supra, [illegible]
[illegible]. Vide [illegible] [illegible]

[illegible]

Si agens hypothecaria produxit in iudicio debitorum
[illegible]
[illegible] obligatis bonis [illegible]
[illegible], illi tamen confessioni [illegible]
[illegible] etiam erit [illegible]
[illegible]
[illegible] compilata [illegible]. ita Paulus [illegible]
[illegible] in cons. 134 [illegible]. 63.

[illegible] tamen [illegible]
[illegible]
[illegible]
[illegible]

~~[illegible]~~ Hypotheca

[illegible]

[illegible] 2. [illegible] facit etiam [illegible]

quid extraxerint [illegible]

[illegible]

De pig. et hyp.

[illegible]

[illegible]

Textus in l. creditoris ff de distr: pignor. qui conuedit creditori ut possit actione Hypothecaria q. qui pignus unum ex multis quod sibi neque solamente debet intelligi, ut procedat solum quo ad pignora quae, similiter a debitore iam sint capta, non autem ut procedat quoad quae alienata, nam talium hoc, iure nouissimo expeditum est quae non possunt nexari extranei possessor, nisi prius facta excussione in ipsis debitorum principalium, et in actione hypothecaria, et in pignore est tex. notissimus in Auth: hoc si debitor C. de pignor. et [illegible] [illegible] in hypot: legalibus idem tenetur, quae in conuentionalibus. [illegible] Mandel. consil. 97. num. 52.

[illegible]

[illegible]

Licet omnibus in ecclesia [illegible] tradatur in [illegible] [illegible]
one bonus ut tamen in [illegible] [illegible]
a [illegible] [illegible]
[illegible]

[illegible]

Alimentis, & habitationi alicui relicta in propria [illegible] domo, si

si post mortem domus illa alienatur ab herede, vel [illegible] haeredibus.

Volunt moderni, quod legatarius, non cogatur in domo ab herede [illegible]

cohabitare. [illegible] sed quod heredes teneantur [illegible] [illegible] ei aliam conducere

[illegible] [illegible] q. [illegible] c i. [illegible] [illegible] ubi [illegible] [illegible] [illegible]

Privati viri uti principis [illegible] quis [illegible]

.. pitio.

[illegible] omnes doct: [illegible] inspectos, pertinuitur [illegible] in eandem ut [illegible] in [illegible] [illegible] [illegible] et [illegible] alitor [illegible] [illegible] [illegible] [illegible] omnes in [illegible] [illegible] [illegible] [illegible] [illegible] communitatis [illegible] ut inspecto: [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] an [illegible] petit quod [illegible] [illegible] iudicem [illegible] [illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] in [illegible]

Ordinarius vel eius Vicarius, non potest inveran [illegible] institutione [illegible] statutam. Alex: [illegible] consil. [illegible] num [illegible]

Si testator instituit filium in eo quod sibi debetur de iure intelligitur de iure communi, non de iure statutario, seu municipali. Allegatur Beal in l. quicunque [illegible] servus fugit: et Barbat in suo cons [illegible] num. [illegible] vol. [illegible] ubi adducit tex: singularem in [illegible] convenissent, de eo qui mittitur in poss.

[illegible]us instituendi presentatum, vel confirmandi electum, [illegible] transeat ad alium, si Episcopus est negligens in instituendo vel confirmando Panor: in c. nulla Ecclesiastica de concess. preb. num. 12.

Sors.

[illegible]

Tria sunt necessaria ut interrogatio pro qua parte sit heres habeat locum. p° quod actio proponenda sit personalis. Si autem esset in rem tunc non interrogaretur pro qua parte esset heres, sed pro qua parte possideret

[illegible]

[illegible]
[illegible]
[illegible]

Lex Mosaica specialis est in diis, et in casu expresso [illegible]
et generali derogat, et inter nos servanda est, [illegible]
ita Barbat. in cons. 65. num. ii usq ad finem [illegible]
est in cons. notabili.

Iudiciis quae sint permissa, et ad quem pertineat [illegible]
quibusque casibus tolerentur [illegible] cfr. Barb. cons.
3is. et cons. sequenti [illegible]

[illegible] sed potest [illegible]

eum est simpliciter secundum iura nostra [illegible]

est limitata. intelligitur enim quando incidit [illegible] spiritualis

[illegible] cum additione etiam [illegible]

[illegible] C. [illegible] [illegible] [illegible]

dicatur in additione ibidem [illegible]

Inde in supra uiginti dies [illegible] aut [illegible] [illegible]

[illegible]

[illegible]
[illegible]
[illegible]

Ecclesia · [illegible]

Si duo sint præsentati, et sint æque idonei, sed alter ex eis sit de sanguine fundatoris [illegible] præferre tex: notabilis in c. nullus inuitis 61. distt: et Glosa in terminis in c. neminem in verbo sine possessionis 70. dist: qui sint [illegible] bonis est fundata Ecc.a Hanc quæst: ad plenum tractat, et decidit Roch: de curti in suo Tract: iurispatr. in verbo Honorifica num. [illegible]

Si duo sint præsentati [illegible] idem num [illegible]

S[illegible] præsentat [illegible] præsentatum. ita in terminis [illegible] iura quæ ibi allegat idem curti [illegible]

Ius patronatus [illegible] opinio, in puncto iuris est verissima, licet illa sit [illegible] quod in [illegible] factum [illegible] [illegible] sed illud extinguatur [illegible] contra Roch de curti in suo Tract: iurispatr in verbo [illegible] is num. 63. usq ad [illegible] ad 67. et tenet ipse prin[illegible]

Matrix, seu parochialis, non dicitur patrona Ecc.æ situatæ infra eius parochiam, ni[illegible] construxerit et dotauerit de bonis, et [illegible] assignauerit tempore constructionis [illegible] pro dote, et i[illegible]

Ius [illegible]

[illegible] Caesar [illegible] [illegible] [illegible] [illegible] [illegible] Fo. 67.

[illegible] [illegible] quia [illegible] [illegible] patrono. [illegible]

[illegible] [illegible] quod [illegible] [illegible] Ecclesiam fundauerint [illegible]

[illegible] patronatus [illegible] [illegible] aut [illegible]

[illegible]

[illegible]

[illegible]

Pro legato alicui relicto et ad [illegible] [illegible] [illegible] [illegible] res
actio scilicet [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]: [illegible] [illegible] [illegible] in formatione
[illegible] circa [illegible] [illegible] qui legatis Cod. comm. de leg. et fideic.

[illegible]

ex hereditate [illegible] [illegible] [illegible]
[illegible] [illegible]

Etiam [illegible] [illegible] in successione ab intestato [illegible] [illegible] [illegible]
una [illegible] in Rub. [illegible] Lib. [illegible] Leg. [illegible] singular: [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] Cod. [illegible] [illegible], [illegible] [illegible]
[illegible] a prima [illegible].

Legatarius. Habitatio

Legato ... ad alimenta et habitationem, in propria testatoris domo. alienata domo per haeredem debetur legatario habitatio, nec cogitur cohabitare cum haeredibus. sed alteri dicunt. si domus per [illegible] ... si inuenerit noluerit. qua actione [illegible] ... Vide [illegible] ... ad [illegible]

... testatoris relinquentis si [illegible] filius implorat [illegible] ... [illegible] ... Fol. 454 Numero. 13

Si sit legatum ... his qui sunt de familia testatoris, et alijs [illegible] ... intelliguntur alijs. et ... [illegible] ... et si sunt aeque proximi pariter succedunt Alex ... cons. 63. num. 3.

... de quibus intelligatur et an ... [illegible] ... 151 ... 3 ... 2

... in [illegible] ... intelligitur legatus idem [illegible] ... 2

[illegible]

Legati [illegible] Habitatio Titulum:

Damnata memoria testatoris, repetentur omnia legata ... tacite eius testamenti soluta. l. cum filius ff. repetend. [illegible]
ff. de leg. 2.

[illegible]

Quod sit legitima filii vide in [illegible] Et in [illegible]
[illegible] Et in l. [illegible] Cod. tit: [illegible]
[illegible] in c. [illegible]

An filii possint renuntiare illud quod pater [illegible] legitimam [illegible] dicit Bal. [illegible] in
cons. 30. num. 3. vol. 3. in [illegible] si quid in
fraud. patr. [illegible] videlicet [illegible] possunt [illegible]
ad legitimam [illegible] sed si videt [illegible] natura. [illegible]
[illegible] tunc dicit non posse renuntiare [illegible] patrem
[illegible] movetur Bald. [illegible] fraudis cons. [illegible]
[illegible] propositum [illegible]
[illegible]

[illegible] legitima [illegible]
cons. [illegible] num. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

CARTAS [illegible]

[illegible] consortibus

[illegible]

[illegible]

De incommoditate litis [illegible]

[illegible]

[illegible]

Verba legis

Placuit in urbanis habitationibus locandis invecta, illata pignori esse locatori: etiam si nihil nominatim convenerit. Secundum hoc et multis paucis potest: [illegible] item quia conventiones ff. de pactis. concur: tex: in l. [illegible], et ibi Glosa et Bar: C. lo. tex: in [illegible] item Serviana instit: de act: et ibi plene ponit illam materiam Iason. [illegible]

[illegible]

[illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

De ludo, et quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Consuetudine patria ludus est licitus, nec qui vincit restituere tenetur Barbat: in cons. 56. num. 2. 5. 6. et 7.

Ludi [illegible], mixturæ fortunæ, et industriæ ratione [illegible], et [illegible] consuetudine [illegible] contra ius positivum. idem ibidem num. 6. Ubi videbis totam materiam amplissime, et [illegible] [illegible] [illegible] natam. et data occasione memineris. nam facit [illegible] [illegible] [illegible] [illegible] ratio [illegible] [illegible].

[illegible]

Procurator ubi poena sanguinis non venit imponenda vel alia corporis afflictiva, admittitur ad defensionem reorum in criminalibus. Host: in summa tit: De procur: vers. et in qua re civ.a pr: Ange. in tract: malef: in verbo quidominus vers. quaero n.° 16 Fol. 120 Gand. sub. Rub. utrum procurator in malef: intervenat vers. et quando n.° 1. Fol. 180. in suo tract: malef:

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Li

Litis Pendentia [illegible]

Si lis pendet coram uno iudice non debet quis coram alio iudice fatigari l. ubi coeptum cu. tim. ff de iudic. quia etiam possent fieri duae sententiae contrariae ut notatur in c. cu. n. Ferrar. de const.

Adde quod ista pendentia inducitur per solam citationem seu libellum in c. proposuisti et foro compet. et in l. si quis postea de iudic.

Qua autem poena debeat puniri [illegible] aliquem coram diversis iudicibus pro eadem causa, vet. et Cyn. in l. nulli c. de iudic. dicunt quod debet perdere causam

Sed doctores communiter in d. l. nulli dicunt quod solum condemnabitur in expensis litis tam de pariis quam de materia in lib. 1. comm. opin. [illegible] sext. S. Tomo 1.

Maritus quando ab uxore separatur vid. B. [illegible] Dixi[illegible] in meo repertorio. sub termine FRIGIDUS

[illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible]

Maritus et uxor si ex consulto [illegible]

An maritum absentem uxor expectare teneatur, et quomodo [illegible] absentis mors probetur ac alia noie connexum in hoc capitulo in 4 librum [illegible] de sponsalibus et matrimoniis, [illegible] in §§ iii nº 3 et 4 in primo tomo. Fol. mihi [illegible]

Multa ad materiam matrimonii [illegible]

[illegible] addi debent, quae [illegible] causa matrimonii [illegible] deponente in [illegible] [illegible] 32. [illegible] pagina [illegible]

Matrimonium [illegible] origines [illegible] quae [illegible] mari [illegible]

[illegible] maior 14 annis contrahat matrimonium, [illegible] impotens [illegible] eius, et hoc constat, non est matrimonium, et hoc quando impotentia est perpetua, sicuti est in naturaliter frigido vel maleficiato [illegible] in cap. 2. [illegible] num. [illegible] ibi allegata Fol. 12. [illegible]

[illegible] [illegible]

[illegible]

[illegible]

Materia Medicamentorum [illegible]

Emptor [illegible]

[illegible] 3 [illegible] ita [illegible] trix [illegible]
multorum libidini patet. [illegible] ibi, et [illegible]
[illegible] trix; et quae multorum.

[illegible]

Metus [illegible] [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Hypotheca. [illegible]

[illegible] facta in hypotheca [illegible], et singularem successorem, a[illegible] colonus expelli possit. Vide Tiraq. in § iii Gl. i. de retractu conventionali: Fol. 903 num. 4. et 11

Quid si hypotheca sit omissa in instrumento publ.º in quo clausulae appo[ni] solitae praesumuntur insertae ibidem num. 6.

[illegible]

[illegible]

[illegible]

[illegible]

{vo AL[illegible]
ordin[illegible]

{vo AL[illegible]
MERIT[illegible]

Monasteria [illegible] se [illegible] deo dedicant. [illegible] ut [illegible]
omnini [illegible]. Auth. [illegible] C. [illegible] patet tamen [illegible]
[illegible]
[illegible]
[illegible] Auth. [illegible] author eod. tit. meminerit tamen hoc
in illo [illegible] loco [illegible] in [illegible] monasterii [illegible]
[illegible]

Monachus si aliquid dimittit monasterio [illegible] [illegible]
[illegible] aliud [illegible]
[illegible] ratione [illegible] muneri est ibi [illegible]
[illegible] in verbo competit. [illegible]

Monachi delinquentes circa Regulam, et ipsius ordinationes
{quo ad ordinem} sunt plectendi per Abbatem si vero delinquunt circa alia
crimina ob quae venit formanda contra eos inquisitio potest
Episcopus cognoscere, c. si quis contra clericum de for. comp.
et in clem: ne in Agro de statu religiosorum, Abbas Panor:
in repetitione c. si quis contra clericum de foro compet:
n.° 2° et infra. ratio est quia minor episcopo, causas
{quo ad meritum} criminales non agit [illegible] q. 2 Monasteria

Textus clarus in c. si sacerdos de offic: iudicis ordinarii
ubi panormita: in 3.° notabili.

[illegible] [illegible]

Licet in probanda morte alicuius sufficiat probatio per famam illius loci in quo dicitur mortuus, quando talis [illegible] esset de longinquo, ut facile memoria [illegible] in [illegible] tamen si [illegible] de propinquo et mors [illegible] [illegible] de longinquo requiritur probatio [illegible], nec fama sufficit et magis communis [illegible] [illegible] [illegible] in cons. 25. vol. 4

[illegible] [illegible] [illegible] cons. matr. 51. Petri de Barbosa [illegible] cons. [illegible] matr. Diletti collecta cons. 25. num. 2. et 4. Fol. mihi 86. et in repertorio dictorum consiliorum Matrimonialium. in verbo Mort: Vide cons. Scal. [illegible] in 2. vol. cons. 298 [illegible]

[illegible]

Vetula.

Mulier post quinquaginta annos non patitur menstrua, quæ propter naturæ debilitatem expellere non potest, ea quæ venenatam naturam malam in se congregant, adeo quod inficiunt ... et suo anhelitu inficiunt pueros et iuvenes ... quod in ipsis abundat catarrus, tussis, et alia multa mala ... quidem melodia est ... vetulis ... Vide Gol: Bened. in 3a parte Rep: cap: Raynutius nº 218. Fol. ... à tergo.

[illegible]

[illegible] 1680.

An et quando error in nomini proprio [illegible] vitiet [illegible]
[illegible] leg. [illegible]
[illegible] et Bal. in l. si fertidiano [illegible] de leg. et Bal. in l. [illegible] inf.
de hered. inst. et inst. de leg. §. si quis nomine. in [illegible] concep
[illegible] cons. CCLV. sed quid [illegible] nomine [illegible]
[illegible] sub nomine familiae, an vitiatur [illegible] dicunt dd. [illegible]
[illegible] Bonon. [illegible] vitiat
[illegible] valide est arg. ut [illegible] Rom. dec.
[illegible] CXXIX [illegible] in causa agitata 1231 [illegible]
[illegible] in [illegible] parte [illegible] CXLIX

f

[illegible] [illegible]

[illegible]

[illegible]

[illegible] potest [illegible]

Qui si pro alio constituit solutorum obligat [illegible] [illegible] [illegible] [illegible] [illegible] in l
si quis alieno C. de const. pec.

[illegible] [illegible] [illegible]

[illegible]

Nullitates insanabiles sunt istae. [illegible] citationis, et mandati defectu tres illae infirmitates podagra, scabies, et lepra. Gomezius in com: in regul. canc: tit. utriusq. signat: comp: quaest: 16. Bl. 344. ubi de materia, et quae sint sanabiles.

siu nuntijs, siue officialibus refferentibus credatur, et [illegible]
officium spectent, quae uero ad, uide Tiraquel. & utroq retract.
tit: de retraict Lignagier §§ viii [illegible] Fol. 457. usq ad
Fol. 463 ubi materia singulariter, et exacte ualde discutitur

[illegible]

Maius pactū ad mi [illegible]

pactū in lucranda [illegible] [illegible] [illegible] nuptias [illegible] lucranda
tertia parte [illegible] ut [illegible] pacti [illegible] [illegible] legitimo dicatur
maius [illegible] [illegible] [illegible] [illegible] [illegible]
verbo [illegible] [illegible] epis. et cler

[illegible] [illegible] [illegible], et [illegible] pactorū, et qualiter eorū
fiat [illegible] [illegible] [illegible] [illegible] pactū [illegible] [illegible] et per
[illegible] [illegible] [illegible] [illegible], et [illegible]
pacto quo [illegible], et ibi per [illegible] de pactis. et [illegible]
in [illegible] [illegible] [illegible] [illegible] de pac. ubi plene per
[illegible] [illegible] [illegible] ad [illegible] pactorū [illegible] [illegible] in [illegible]
[illegible] ut [illegible] [illegible] [illegible]

[illegible]

PAPA

Quando papa dispensat super prohibitis à solo iure positivo, sine causa utrum dispensatus sit tutus quo ad Deum. Abb: panor. tenet quod non in c. non est n° 8 extra de voto, et dicit quod idem tenet Ioan: Andr: post Beatum Thomam et multi de presbit: et ibi notat etiam idem panorm. n°. 9. qui dicit quod papa non potest dispensare pro libito voluntatis quo ad Deum sed tantum quo ad Eccl[esi]am militantem c. per venerabilem n°. 4. qui filij sint legitimi Scotus lib. 4. de iustitia et iure q. 7. art: 3. qui sic habet, in ijs autem quae mere sunt positivi iuris, dispensatio, à peccato non excusat veruntamen dispensatio tenet.

Contrarium tenet dominus petrus (quae opinio verior est) una cum Innoc. in c. cum ad monasterium de statu regularium quod d. panor: in c. non est. fily. in c. ad audientiam de rescrip. Ver: nihilominus attinens n° 4. dicit quod ubi Papa dispensat super prohibitis à solo iure positivo, sufficit sola voluntas pro causa Imo plus dicit, quod putat hoc procedere quoad Deum, apud quem est tutus taliter dispensatus per papam etiam sine causa et ratio est, quia sicut ex sola voluntate potest per Papam lex creari, ita per suam voluntatem eadem ea dispensari. Silvestrina in verbo dispensatio n°. 5. qui dicit, quod ille est tutus in conscientia cum quo dispensatur, quia eius est destruere cuius est condere legem: in l. digna vox Cod. de legib:

Papa solus potest dispensare contra canonem c. 2 et c. proposuit ubi panor. n°. 6. de conces. preben: et in c. dilectus n°. 10 de preb:

Papa non ligatur constitutionibus per ipsum vel predecessores suos [illegible] panor. in c. 1. n°. 5 de constitutio:

Papa solus dispensat in gradibus prohibitis panor. in c. quod [illegible] n°. 5 de consang. et affinit:

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

D. [illegible] A.P. [illegible] A[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] figur[illegible] di perspettiva [illegible]
[illegible] numer[illegible] del [illegible].
[illegible] 166[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

PAX quid operis [illegible] criminalibus
[illegible] PACE.

[illegible]

[illegible] si habens [illegible] [illegible], [illegible] moriatur in
[illegible] [illegible] [illegible] [illegible]
[illegible] parentes cu fratribus [illegible]
[illegible]
et [illegible]

[illegible]

[illegible]

PENA

Pena [illegible] qui [illegible] [illegible] delinquit [illegible] [illegible] [illegible]
[illegible] [illegible] incestu [illegible] imperatoris et adulter [illegible]
[illegible] [illegible] olim ex rescripto in [illegible] accus-
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Adul

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

GREGRIN..

[illegible]

[illegible]

[illegible] [illegible] [illegible]
[illegible]itio

[illegible]

[illegible]

PRÆFATIO

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

Si Agitur de curanda, vel amittenda [illegible] propter matrimonium [illegible] [illegible], cognoscit iudex Ecclesiasticus. [illegible] [illegible] 212 in pr. vol. 2.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible]

Singuli Ill.mi [illegible] [illegible] [illegible] [illegible] tenentur
in cui vago et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] 22 [illegible] [illegible], [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible].

Curati, [illegible] [illegible] [illegible] populus, [illegible] [illegible]
ad [illegible] [illegible], saltem diebus Dominicis, et festis
maioribus accedant. dicto [illegible] loco [illegible] [illegible] [illegible]
[illegible]. ex qua terminatione [illegible] [illegible] quando aliquis
populus, vel aliqua villa vult sibi tenere capellanum, quod
certis diebus tenetur audire sacra, [illegible] [illegible] [illegible], [illegible]
hoc tune menti [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

Ius offerendi.

Pignus

Qui actiones in pignus [illegible] [illegible] ... [illegible] [illegible] [illegible] felici[ter]: Decis. Neapol. 250. Fol. 90.

Textus in l. creditores ff de distract: pignor. qui concedit Creditori ut possit Actione Hypothecaria persequi pignus unum ex multis quod sibi magis placuerit, debet intelligi, ut procedat solum, quo ad pignora quae possidentur per debitorem ipsum principalem, non autem ut procedat in non pignora alienata, nam saltem hodie iure novissimo expeditum est, quod non possunt vexari extranei possessores, nisi prius facta excussione contra debitorem principalem, et in actione personali et in hypothecaria, ut est textus nobilissimus in Auth: hoc si debitor C. de pignor. et procedit ille tex: tam in hypothecis [illegible] bus, idest tacitis, quam in expressis ut dicit Iacob. Menochius in cons. [illegible] 97. num. 5. et 83. qui citat Neapol:

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

+

confessio. Positiones Articuli.

Contumax in non respondendo positionibus habetur pro confesso c. ii. de confes li. vi. et in l. de etate in § qui tacuit ff de inter: act. Addi quod requiritur ad hoc ut non respondens positionibus habeatur pro confesso Ang. cons: cxxxvi. et an confessio positionis cui de iure respondendum non erat noceat confitenti per Alex consili: cxviii. et an respondens positioni possit illam revocare per cal. cons: iii et Spec. pap. in pr. sub R.ca Forma resp: rei Vir: in termino sibi assignato n.o i. vir: pr:

[illegible] positiones [illegible] cons. cxvii num. 2. Fol. 125. vol. 2. [illegible] cons. 162. [illegible]
[illegible] cons. [illegible] vol. [illegible]

[illegible] positionum [illegible] confessionem [illegible] [illegible] cons. cxxiij num. 2 Fol. 100. vol. 2. albas.

Posi[illegible]

[illegible]

[illegible]

[illegible] Sunt [illegible] in [illegible] [illegible] cap. cum dilecta, cum Gl. sup. verbo transponentes, in med. et 2 pr: Gl. seq. extra de Rescrip. et vide cap. cum dilectus cum sua Glo. [illegible] Stat. cons. [illegible] num. 4 [illegible] Retinendæ possess. [illegible] 35 [illegible] ubi [illegible] admittit.

[illegible] in [illegible] alijs possessorijs Geminian: in cons. 28. num. 3. F. 1. 12. 87.

Contra possessorium admittuntur exceptiones, quæ [illegible] possessioni agentis idem ibidem num. 1. in X:

Bonae vel malae fidei

Possessio antiquior, et quae antiquiorem titulum habet ... Maria. Socin. cons. CXLVI. vol. 1. num. 5.

Titulus ... possessionis ...

... num.

Possessio etiam ... possidenti aduersus ... nun...

Possessio iunior nunquam datur clandestina ...

... antiquiorem possessionem ...

lata fuerit ... aduersarius ...

... dicit ...

[illegible]

[illegible] Socium [illegible]

[illegible] ratzonatus [illegible]

[illegible]

[illegible] etiam ex unico actu acquiritur, [illegible]

[illegible]

[illegible] titulo absq traditioni [illegible] Dominium

[illegible] vend.

[illegible]

[illegible]

Possessio intermedia probatur [illegible] extremis, vide in comm: opin: in verbo possessio Tomo 2. Fol. 220. et 221. locis signatis, possessionis [illegible] et [illegible] praesumitur medio tempore possedi, ibidem

Possessio [illegible] in [illegible] ibidem Fol. 215. [illegible]

Possessionis probatio non sufficit in [illegible] [illegible] titulo [illegible] probato [illegible] ibidem

Possessio omnia [illegible] in petitorio : [illegible] possessio [illegible] continuitate

[illegible]

Præbenda uerbum quod importet vide Arch. l. in . allegationis num 6.

Præbenda, et beneficium, in quo differant ibidem num 7.

[illegible]

[illegible]

+

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

+

[illegible]

[illegible]

[illegible] 172

[illegible]

[illegible]

[illegible]

[illegible]

PREVARICATORES

PRINCEPS

Princeps an nimium subditis infendari possit, et quam eram timere debeat ut à vasallis ametur, an secundum usque vivere debeat, patriam demum omnibus eo anteferendo vide paldini in libro qui me consilia fruidea [illegible] intitulato. cent. XII.

Princeps est creatura rationalis, [illegible] potestatem superiorem [illegible] sed in quantum est rationalis debet obedire rationi Scal. in cent 327. n° 2. in fi. et in cent. 326. n° [illegible]

Princeps [illegible] ad omni [illegible] et [illegible]

Princeps contractus an [illegible]

Princeps [illegible] summa [illegible] [illegible] [illegible]

[illegible]

[illegible]

[illegible]

Vt pariter privilegia [illegible] omnib. utriusq. [illegible] ad [illegible] immune [illegible]

si quas minas C. de sacrosan. Eccle.

Probatio. [illegible] olutio. [illegible]

[illegible]

et [illegible] dicto tam adminiculari debeat

Probatio plena in antiquis potest fieri per indicia et coniecturas Neap: Decis. [illegible] num. 23.

Probationes minus sufficientes in facto antiquo sufficiunt ibidem num. 28

[illegible]

[illegible]

[illegible]

Vide canon [illegible] de probatio [illegible] verbo solutio [illegible]

Omnes generales probationis [illegible] num. i. Fol. mihi 109.

[illegible] probare [illegible]

Actori [illegible] gnare, nec incumbit etiam actor dicat se probare no posse l. Actor [illegible] de probatio

Reus no est onerandus in probatione l. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

Procurator ubi [illegible] sanguinis ad veniat imponenda vel alia corporis afflictiva admittitur defensionem rei in criminalibus vide Host: [illegible] de procur: in sum: vers. et in qua re cir.a pr: Ang. in tract: malef: in verbo qui [illegible] vers. quando [illegible] F: 120 Gand. sub Rub. utrum procurator in malef: interveniat vers: et quando [illegible] fol. 180. in suo tract: malef:

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Vnius testimonio non creditur, ita tenetur in tract: de iudic: in libris [illegible], ubi haec materia [illegible] tractatur. et est iste tract: in [illegible] [illegible] alius est [illegible]. scilicet tract: [illegible] [illegible] aliud autem testio non nocere.

[illegible] in sua depositione, non est audiendus [illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

+

[illegible]

Prorogatio

4[illegible]

+

[illegible]

PROTOCOLUM.

Quando unum continet protocolo aliud eius instrumentum cum stetur. Cons. opinio in verbo falsum, fol. 331. fronte.

Quando in libro, [illegible] diligenter in margine resident, [illegible] iudicis tales et dimissi [illegible] [illegible]
[illegible] in l. admonendi ff. de iureiurando. n. 39

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

et Tattiva

[illegible]

[illegible]

+

[illegible] [illegible]

[illegible]

[illegible]

De muliere rapta, si confitetur se consensisse, etiam abstracta post
idem dicit credendum etiam quando rapta [illegible]
contrarium diceret. Soc: iunior. in terminis in cons. v. lib.
3. fl. tertio.

Raptus non committitur in desponsata, nec dicitur raptor
nisi quando fit gratia ~~[illegible]~~ [illegible] coeundi
tunc ergo quando fit gratia contrahendi matrimonij
de quo aliquis tractatus praecesserat. idem num. 1.
in [illegible]

Si illa quae rapta erat, [illegible] postmodum consentiat, et sic
prior eius dissensio, in consensum transeat, licite cum raptore
contrahit idem ibidem num. 2. Sed de hoc concilium tridentinum
Sess: 24. cap. vi. Fol. 137. A. ubi dat normam a qua
non sit recedendum

+

[illegible]

+

[illegible]

[illegible] imo [illegible] [illegible] semiplena [illegible] [illegible]

[illegible] [illegible] mit. aut temp. causa [illegible] num. 10[illegible] [illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

f

Riconvention

423

[illegible]

+

RELEGATIO

†

Liber ... sub conditione ... 6

Remissi

725

RENUNTIATI

+

[illegible]

[illegible] antecedentia.

[illegible]

[illegible]

[illegible]

430

Statutum. ~~[illegible]~~ Retractus.

[illegible]

Vendita doti à viro an illius consanguinei, vel consanguinei uxoris admittantur ad retractum, vide Tiraq. in tract. de retract. §. 1. gl. 9. ~~fol. 105.~~ num. 105. F[illegible]

[illegible] an [illegible] gentilis [illegible] ad introductam [illegible] vendita medio tempore facta [illegible] Tiraq. in tract. conventionali: § iii gl. i. Fol. 004. num. 9

Et quid si per remissionem [illegible] redimat à venditore an videtur [illegible] eadem ab emptore contracta, vide Tiraq. in l. 2. c. 3. à n. 22 usque ad n. 25. C. de rescind. vend. fol. 122.

Et quid si emptor [illegible] agat contra venditorem [illegible] ibid n. ~~[illegible]~~ 32 et 33 fol. 128

Revocatio ex pacto, vel ex statuto vel consuetudine, soluto pretio emptori [illegible] quod ex causa emptionis [illegible] Tiraq. ibid n. 37. in fin. fol. 30

Revocatio ex capite [illegible] solvere expensas, et quas vide Tiraq. ibid. à n. 1 usque ad n. 20. fol. 129. et à n. 35 usque in fin.

Et quid dicendum de deteriorationibus ibid n. 34

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

PVDIATIO ~~[illegible]~~

uide etiã in verb. matrimoniũ

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] denda sit Sacerd minor[illegible]
[illegible]

[illegible] concedenda mini, Sacerd
[illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] 24. [illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[Salvus Conductus]

Quidam Bannito, et iam damnato, qui pro alio delicto in [illegible] [illegible] [illegible], et petat saluum conductum, iudex non debet ei hoc concedere, nec aliquo modo apponere manum [illegible] [illegible] ipse. in Bossius in tract: suo crim. in tit: de citati. num. 9. qui refutat opinionem Brart: contrarium tenentis.

In accusato uel aliter Reo criminis delato iudex non [illegible] [illegible] habenda, ubi non potest [iure] uenire [illegible] tenetur concedere debet saluum conductum. idem eod. loco.

satisdatio

[illegible]

[illegible]

[illegible] [illegible]

+

[illegible]

[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

An i[n] sententia excommunicationis [illegible] pollit [illegible] in tract: [illegible]:
in verbo pr[a]esenti dicto Caio. [illegible] et [illegible], cu[m] [illegible]
Fol. 159

[illegible]

[illegible]

+

[illegible] A

[illegible] Seq. [illegible]

[illegible] quae dicit, quod omnis sequestratio est prohibita [illegible] in iure caveri nisi [illegible] per Pap. [illegible] in sua Practica. sub. Rub.a [illegible] sequestrum etc. Fol. 128. R. ad [illegible] [illegible] CLXVIII et quid ponit in repetitione legis p.a C [illegible] sequestr.

In sequestratio fieri potest parte non citata [illegible] Alex. cons. VI [illegible] [illegible]

Fructus eorum cum domino litigantis super fundo sequestrari possunt Pap. in Rub.a [illegible] seu sequest. Fol. 129 .B.

[illegible] et communiter [illegible] absentantis [illegible] sequestrantur Pap. ubi sup.a .G.

Sequestrari non debet ad alicuius partis [illegible] fructus sive fundus illius qui conveniuntur nisi [illegible] timeatur [illegible], verbi gratia quando unusquisque [illegible] vendit [illegible] ita [illegible] Bal. in [illegible] ubi [illegible] [illegible] nam enim iudicis officium, [illegible] sub certa poena partis [illegible] non [illegible] possessorem in [illegible] [illegible] ullo modo turbari [illegible] Pap. ubi [illegible] 2a [illegible] autem concedatur sequestratio, cum [illegible] iudici ita Angel. in cons. CLXII

Sequestratio quae in [illegible] clausula fit, quae in [illegible] quod [illegible] fuerit de [illegible] satisfactum [illegible] [illegible] satisdatio [illegible] et hoc procedit quando sententia non est lata contra [illegible]

[illegible] ubi [illegible] sententia [illegible]
[illegible] satisdationis pertinenti [illegible]

.11.

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible] summario [illegible] vel in [illegible] [illegible] [illegible]
[illegible] idem [illegible] immune [illegible]
[illegible] valebit testamentum suum [illegible]
Clar. 3. sent. § testamentum q. 19. et se.

[illegible]

Solutio

Qui pro alio constituit solutionem, obligat se et successores suos [illegible] [illegible] pro alieno debito cod. de const: pec.

[illegible], Sententie.

[illegible] sibi [illegible] [illegible] iudicat quo [illegible]
[illegible] [illegible] apertissime in l. [illegible]
ibi [illegible] C. de iudiciis [illegible] [illegible]
[illegible] [illegible] recepta ab aliquo solutione [illegible]
[illegible] debebant [illegible] [illegible] implicite facta, [illegible]
[illegible] fol. [illegible] signo ⊞. in d. l. [illegible]
Fol. 184. C. qua actione autem usurae [illegible] durante [illegible] peti debeant
vide Bart. in [illegible] [illegible] [illegible]. et Glo. [illegible] circa fin

+

[illegible] [illegible]

[illegible]

[illegible] in praecepta et contra omni [illegible]

Sald. n.o 3. [illegible] de iuramento: [illegible] non [illegible] si [illegible] et [illegible] se obligari non potest sine [illegible] Ecclesia

talis enim actus spiritualis [illegible] quo statutum [illegible]

Statuto Patriae sub Rub.a 92 de Agnatis, et Vicinis, ligat etiam clericos, et Ecclesiam, potest enim intentari retractus contra Clericum et contra Eccl. ita decisive Tiraq. in suis comentarijs de utroque retractu in Glo: diii. n.o 2.o per totum Fol. mihi 282 et Boerius in suis Decisionibus Bur. lib. 2.o Decis: ccxxxi in 2.o n.o qui ex mente afflicti ibidem citati loquitur ita enim cum [illegible] dicit Boerius [illegible] Tract. [illegible] themiticos in pr: col. iiii vers. quaero.

[illegible]

[illegible]

[illegible]RUM

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

Substitutio

[illegible]

[illegible] hereditatem [illegible] adiend[illegible] a substitutione pervenit [illegible]

[illegible] hereditatem [illegible] substituendo [illegible]

[illegible] hereditatem quod ut dictum est [illegible] substitutione [illegible]

[illegible]

[illegible] [illegible]

7

Persev. et obdura.

Ex libris Joannis Baptistæ à Porta
in quo notabilia plurima ab ipso
cum ex iuris civilis fontibus
tum è diversis preclaris:
simul eiusdem
interpretibus
decerpta,
atque
deprompta
continentur.
1602

mihi dono datus à Dno
Co: Ulderico à Porta die
4 Februarij 1610.

[illegible]
[illegible]

Libera me Deus ab omnibus peccatis et propitius esto mihi.

Hortulus irriguas sumpsit modo fertilis undas:
Insita sunt nostra, lectaque poma manu.

[illegible]